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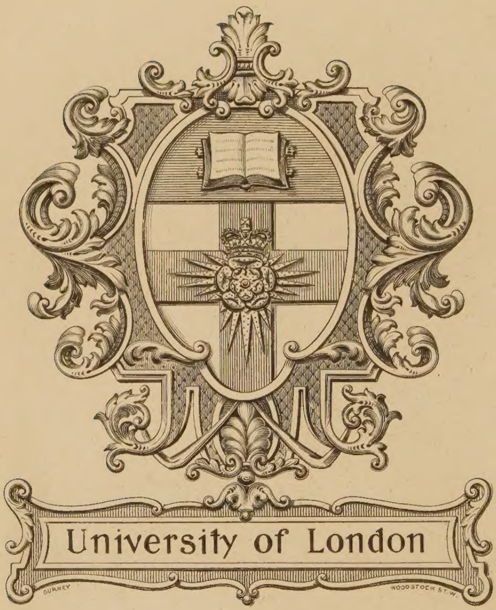

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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

27° VICTORIÆ, 1864.

VOL. CLXXIII.

COMPRISING THE PERIOD FROM
THE FOURTH DAY OF FEBRUARY 1864,
TO
THE FOURTEENTH DAY OF MARCH 1864.

First Volume of the Session.

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LORDS.

SAT FIRST.

THURSDAY, FEBRUARY 4.

The Lord Chesham—James Molyneux Lord Charlemont—The Lord Sandys—The Marquess of Normanby.

TUESDAY, FEBRUARY 16.

The Lord Brodrick, after the Death of his Brother.

TUESDAY, MARCH 1.

The Earl Strange, after the Death of his Father.

FRIDAY, MARCH 4.

The Marquess of Lansdowne, after the Death of his Father.

WRITS AND RETURNS.

THURSDAY, FEBRUARY 4.

The Lord Inchiquin, elected a Representative Peer for Ireland.

TOOK THE OATH.

THURSDAY, FEBRUARY 4.

The Bishop of Gloucester and Bristol.

The Archbishop of Armagh.

Henry White, Esq., having been created Baron Annaly, was (in the usual manner) introduced and took the Oath.

Richard Monckton Milnes, Esq., having been created Baron Houghton, was (in the usual manner) introduced and took the Oath.

FRIDAY, FEBRUARY 5.

The Lord Inchiquin.

MONDAY, MARCH 14.

The Lord Dunsany.

COMMONS.

NEW WRITS DURING THE RECESS.

THURSDAY, FEBRUARY 4.

For *Montgomery Borough*, *v.* John Samuel Willes Johnson, Esq., deceased.

For *Ludlow*, *v.* Beriah Botfield, Esq., deceased.

For *Coventry*, *v.* Right hon. Edward Ellice, deceased.

For *Tamworth*, *v.* Viscount Raynham, now Marquess Townshend.

For *Plymouth*, *v.* Robert Porrett Collier, Esq., Solicitor General.

For *Richmond*, *v.* Sir Roundell Palmer, Attorney General.

For *Reading*, *v.* Gillery Pigott, Esq., one of the Barons of the Court of Exchequer.

For *Barnstaple*, *v.* George Potts, Esq., deceased.

For *Worcester County* (Western Division), *v.* Viscount Elmly, now Earl Beauchamp.

For *New Windsor*, *v.* George William Hope, Esq., deceased.

For *Oxford City*, *v.* James Haughton Langston, Esq., deceased.

For *Andover*, *v.* William Cubitt, Esq., deceased.

For *Buckingham County*, *v.* Hon. William George Cavendish, now Baron Chesham.

THURSDAY, FEBRUARY 4.

For *Durham City*, *v.* Sir William Atherton, deceased.
For *Tewkesbury*, *v.* the Hon. Frederick Lygon, Manor of Hempholme.
For *Winchester*, *v.* Sir James Buller East, Baronet, Chiltern Hundreds.

MONDAY, FEBRUARY 8.

For *Brighton*, *v.* William Coningham, Esq., Manor of Northstead.

WEDNESDAY, FEBRUARY 17.

For *Dorset*, *v.* Henry Ker Seymer, Esq., Manor of Hempholme.

THURSDAY, FEBRUARY 25.

For *Hertford County*, *v.* Christopher William Giles Puller, deceased.

MONDAY, MARCH 14.

For *Armagh*, *v.* Maxwell Charles Close, Esq., Chiltern Hundreds.

NEW MEMBERS SWORN.

THURSDAY, FEBRUARY 4.

Worcester County (Western Division)—Hon. Frederick Lygon.
Buckingham County—Robert Bateson Harvey, Esq.
Andover—William Henry Humphery, Esq.
Tamworth—John Peel, Esq.
Barnstaple—Thomas Lloyd, Esq.
Pontefract—Samuel Waterhouse, Esq.
Reading—George John Shaw Lefevre, Esq.
New Windsor—Colonel Richard Henry Richard Howard Vyse.
Oxford City—Charles Neate, Esq.
Ludlow—Sir William Augustus Fraser, Baronet.
Montgomery Borough—Hon. Charles Richard Douglas Hanbury Tracy.
Clare County—Sir Colman Michael O'Loghlen, Baronet.

FRIDAY, FEBRUARY 5.

Plymouth—Sir Robert Porrett Collier, Knight.
Richmond—Sir Roundell Palmer, Knight.

THURSDAY, FEBRUARY 11.

Tewkesbury—John Reginald Yorke, Esq.

FRIDAY, FEBRUARY 12.

Winchester—Thomas Fleming, Esq.
Durham City—John Henderson, Esq.

THURSDAY, FEBRUARY 18.

Brighton—Henry Moor, Esq.

WEDNESDAY, MARCH 2.

Dorset—John Floyer, Esq.

WEDNESDAY, MARCH 16.

Hertford County.—Henry Edward Surtees, Esq.

MONDAY, APRIL 4.

Coventry.—Morgan Treherne, Esq.

WEDNESDAY, APRIL 6.

Armagh.—John Matthew Stronge, Esq.

COMMONS, MONDAY, MARCH 14.

MINUTES.]—NEW WRIT ISSUED—For Armagh *v.* Maxwell, Charles Close, esquire, Chiltern Hundreds.

SELECT COMMITTEE—Report—Berwick-upon-Tweed Election*.

SUPPLY—*considered in Committee*—NAVY ESTIMATES.

Resolution [March 11] *reported*—Land Securities Company (Stamp Duty on Mortgage Debentures)*.

PUBLIC BILLS—*Second Reading*—Consolidated Fund (£4,500,000)*; Consolidated Fund (£584,650)*.

Third Reading—Mutiny Bill*, and *passed.*

BERWICK-UPON-TWEED ELECTION—

Mr. Longfield brought up the Report of the Select Committee.

House informed, that the Committee had determined—

1. That William Walter Cargill, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Berwick-upon-Tweed.
2. That no case of bribery was proved.
3. That it was not proved that corrupt practices prevailed at the said Election.
4. That there was no evidence laid before the Committee from which they had reason to believe that corrupt practices extensively prevailed at the said Election.
5. That the Petition of Alexander Mitchell was not frivolous and vexatious.

And the said Determination was ordered to be entered in the Journals of this House.

Report to lie upon the table.

Minutes of the Evidence taken before the Committee to be laid before this House.

OUTRAGES IN IRELAND—Question, Mr. Scully; Answer, Sir Robert Peel .. 1902

SLAVE TRADE ON THE EAST COAST OF AFRICA—Question, Lord Alfred Churchill; Answer, Mr. Layard 1902

BRITISH CURED HERRINGS—Question, Mr. W. Miller; Answer, Mr. Layard .. 1904

COURT-MARTIAL ON COLONEL CRAWLEY — Question, Sir James Fergusson; Answer, Mr. Headlam 1904

ARMSTRONG GUNS AT KAGOSIMA—Question, Admiral Duncombe; Answer, Lord Clarence Paget 1905

DISCHARGE OF SOLDIERS IN 1864-5—Question, Mr. Dawson Damer; Answer, The Marquess of Hartington 1905

SOLDIERS' GARDENS — Question, Mr. W. Ewart; Answer, The Marquess of Hartington 1906

WEST RIDING ASSIZE—Question, Sir John Hay; Answer, Sir George Grey .. 1906

EAST INDIA—GOLD CURRENCY—Question, Mr. Vansittart; Answer, Sir Charles Wood 1906

DENMARK AND GERMANY—DANISH BLOCKADE OF GERMAN PORTS—Question, Mr. Fenwick; Answer, Mr. Layard 1907

CONVICTS—REMISSION OF PENAL SERVITUDE—Question, Sir Stafford Northcote; Answer, Sir George Grey 1907

VACCINATION REGISTRATION—Question, Sir Morton Peto; Answer, Mr. Lowe .. 1908

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

THE INUNDATION AT SHEFFIELD—Question, Mr. Roebuck; Answer, Sir George Grey 1909

BOMBARDMENT OF KAGOSIMA—COLONEL NEALE, ADMIRAL KUPER—Observations, Mr. Layard 1910

THE NAVY ESTIMATES—VOTE 8—Explanation, Lord Clarence Paget .. 1911

SCHOOL OF NAVAL ARCHITECTURE—Question, Sir John Pakington .. 1914

DOCKYARD PATRONAGE—Question, Sir James Elphinstone 1914

NEUTRALITY IN AMERICA — Question, Mr. Roebuck; Answer, Viscount Palmerston:—Observations thereon. 1916

Supply—Order for Committee—*continued.*

Quartermaster Acres—The North Tipperary Militia—Observations, Mr. Pollard-Urquhart; Reply, Sir Robert Peel 1930

The Police in the Dockyards—Question, Major Knox 1931

M. Mazzini and the Greco Conspiracy — Question, Sir Lawrence Palk; Answer, Mr. Layard:—Debate thereon 1931

Denmark and Germany—Integrity of the Danish Monarchy—Question, Mr. Butler-Johnstone; Answer, The Attorney General 1939

Motion *agreed to.*

Supply *considered* in Committee—Navy Estimates—

(In the Committee.)

Re-committed Resolution [reported 11th March], read, as follows:—

(1.) "That a sum, not exceeding £1,275,316, be granted to Her Majesty, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1865"... 1942

Motion made, and Question proposed,

"That a sum, not exceeding £1,030,337, be granted to Her Majesty, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1865."—(*Mr. Lindsay.*) 1958

After long Debate, Motion, by leave, *withdrawn.*

Original Question again proposed.

Motion made, and Question proposed,

"That a sum, not exceeding £1,112,878, be granted to Her Majesty, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1865."—(*Mr. Lindsay.*) 1978

Question put:—The Committee *divided;* Ayes 29, Noes 110; Majority 81.

Original Question put, and *agreed to.*

(2.) £69,205 Wages to Artificers, &c., Naval Establishments Abroad, *agreed to.*

Resolutions to be reported *this day;* Committee to sit again on *Wednesday.*

House adjourned at a quarter after Twelve o'clock.

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VOLUME CLXXIII.

THIRD SERIES.

BEING ALSO AN ABSTRACT OF THE LORDS' "MINUTES OF PROCEEDINGS," AND THE COMMONS' "VOTES AND PROCEEDINGS," IN RELATION TO THE PUBLIC BUSINESS OF THE SESSION.

[*The * indicates that there was no Debate at that Stage of the Bill.*]

LORDS, THURSDAY, FEBRUARY 4.

MEETING OF THE PARLIAMENT—THE PARLIAMENT OPENED BY COMMISSION

Speech of the Lords Commissioners *delivered* as follows:—

"*My Lords and Gentlemen,*

"WE are commanded to assure you that Her Majesty has great Satisfaction in recurring again to the Advice and Assistance of Her Parliament.

"HER Majesty is confident that you will share Her Feeling of Gratitude to Almighty God on account of the Princess of *Wales* having given birth to a Son; an Event which has called forth from Her faithful People renewed Demonstrations of devoted Loyalty and Attachment to Her Person and Family.

"THE State of Affairs on the Continent of *Europe* has been the Cause of great Anxiety to Her Majesty. The Death of the late King of Denmark brought into immediate Application the Stipulations of the Treaty of *May* 1852, concluded by Her Majesty, The Emperor of *Austria*, The Emperor of the *French*, The King of *Prussia*, The Emperor of *Russia*, The King of *Sweden*, the King of *Denmark*, and afterwards acceded to by The King of *Hanover*, The King of *Saxony*, The King of *Wurtemburg*, The King of the *Belgians*, The King of the *Netherlands*, The Queen of *Spain*, The King of *Portugal*, and the King of *Sardinia*.

"THAT Treaty declared that it is conducive to the Preservation of the Balance of Power, and of the Peace of *Europe*, that the Integrity of the *Danish* Monarchy should be maintained, and that the several Territories which have hitherto been under the Sway of The King of *Denmark* should continue so to remain; and for this Purpose it was agreed that in the event of the Death of the late King and of His Uncle Prince *Frederick* without Issue, His present Majesty King Christian IX. should be acknowledged as succeeding to all the Dominions then united under the Sceptre of His Majesty the King of *Denmark*.

"HER Majesty, actuated by the same Desire to preserve the Peace of *Europe* which was One of the declared Objects of all the Powers who were Parties to that Treaty, has been unremitting in Her Endeavours to bring about a Peaceful Settlement of the Differences which on this Matter have arisen between *Germany* and *Denmark*, and to ward off the Dangers which might follow from a Beginning of Warfare in the North of *Europe*; and Her Majesty will continue Her Efforts in the Interests of Peace.

"THE barbarous Murders and cruel Assaults committed in *Japan* upon Subjects of Her Majesty rendered it necessary that Demands should be made upon the *Japanese* Government, and upon the Daimio by whose Retainers some of those Outrages were committed.

"THE Government of the Tycoon complied with the Demand made upon them by Her Majesty's Government, and full Satisfaction having been made, the friendly Relations between the Two Governments have continued unbroken; but the Daimio Prince of *Satsuma* refused to comply with the just and moderate Demands which were made upon him.

[*February* 4.] *Page*

SPEECH OF THE LORDS COMMISSIONERS—*continued.*

"HIS Refusal rendered Measures of Coercion necessary, and Her Majesty regrets that while those Measures have brought this Daimio to an Agreement for Compliance, they led incidentally to the Destruction of a considerable Portion of the Town of *Kagosima.*

"PAPERS on this Subject will be laid before you.

"THE Insurrection which broke out last Year among some Portion of the Native Inhabitants of *New Zealand* still unfortunately continues, but there is Reason to hope that it will, before long, be put down.

"HER Majesty commands us to inform you that She has concluded a Treaty with the Emperor of *Austria*, The Emperor of the *French*, The King of *Prussia*, and The Emperor of *Russia*, by which Her Majesty consents to give up the Protectorate of the *Ionian Islands*, and also agrees to the Annexation of those Islands to the Kingdom of *Greece*. This Treaty shall be laid before you. Her Majesty is also negotiating a Treaty with the King of the *Hellenes* for regulating the Arrangements connected with the Union of the *Ionian Islands* with the Kingdom of *Greece*.

"*Gentlemen of the House of Commons,*

"HER Majesty has directed the Estimates for the ensuing Year to be laid before you. They have been prepared with every Attention to Economy, and with a due Regard to the Efficiency of the Public Service.

"*My Lords, and Gentlemen,*

"HER Majesty commands us to inform you that the Condition of the Country is, on the whole, satisfactory. The Revenue has fully realized its expected amount; the Commerce of the United Kingdom is increasing; and while the Distress in the Manufacturing Districts has been in some Degree lessened, there is Reason to look forward to an increased Supply of Cotton from various Countries which have hitherto but scantily furnished our Manufacturers with this Material for their Industry.

"HER Majesty has directed that a Commission shall be issued for the Purpose of revising the various Forms of Subscription and Declaration required to be made by the Clergy of the Established Church. A Copy of that Commission will be laid before you.

"VARIOUS Measures of public usefulness will be submitted for your Consideration.

"HER Majesty commits, with Confidence, the great Interests of the Country to your Wisdom and Care; and She fervently prays that the Blessing of Almighty God may attend your Deliberations and prosper your Councils for the Advancement of the Welfare and Happiness of Her loyal and faithful People."

WRITS AND RETURNS—The Lord Inchiquin, elected a Representative Peer for Ireland

TOOK THE OATH—The Bishop of Gloucester and Bristol—The Archbishop of Armagh—Henry White, Esq., having been created Baron Annaly, was (in the usual Manner) introduced, and took the Oath—Richard Monckton Milnes, Esquire, having been created Baron Houghton, was (in the usual Manner) introduced, and took the Oath.

SAT FIRST—The Lord Chesham—James Molyneux Lord Charlemont—The Lord Sandys—The Marquess of Normanby

ROLL OF LORDS—Garter King of Arms attending, *delivered* at the Table (in the usual Manner) a List of the Lords Temporal in the Sixth Session of the Eighteenth Parliament of the United Kingdom.

Select Vestries—Bill, *pro formâ*, read 1^{a}.*

Address to Her Majesty ON THE LORDS COMMISSIONERS' SPEECH—

THE LORDS COMMISSIONERS' SPEECH having been *reported* by the Lord Chancellor; and an humble Address to Her Majesty being *moved* thereon by *The Marquess of Sligo* (the Motion being *seconded* by *The Lord Abercromby*) the same was, after long Debate, *agreed to.* 7

CHAIRMAN OF COMMITTEES—The Lord Redesdale appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session.

COMMITTEE FOR PRIVILEGES—*appointed*

SUB-COMMITTEE FOR THE JOURNALS—*appointed*

APPEAL COMMITTEE—*appointed*

STANDING ORDERS—*Resolved*, That Samuel Smith, Esquire, and Charles Frere, Esquire, be appointed Examiners for this Session.

House adjourned at half past Nine o'clock.

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The House met at a quarter before Two of the clock.

MESSAGE to attend The Lords Commissioners:—The House went;—and having returned;—

MR. SPEAKER acquainted the House that he had issued Warrants for NEW WRITS for *Montgomery Borough*, *v.* John Samuel Willes Johnson, esq., deceased; for *Ludlow*, *v.* Beriah Botfield, esq., deceased; for *Coventry*, *v.* Right hon. Edward Ellice, deceased; for *Tamworth*, *v.* Viscount Raynham, now Marquess Townshend; for *Plymouth*, *v.* Robert Porrett Collier, esq., Solicitor General; for *Richmond*, *v.* Sir Roundell Palmer, Attorney General; for *Reading*, *v.* Gillery Pigott, esq., one of the Barons of the Court of Exchequer; for *Barnstaple*, *v.* George Potts, esq., deceased; for *Worcester County* (Western Division) *v.* Viscount Elmly, now Earl Beauchamp; for *New Windsor*, *v.* George William Hope, esq., deceased; for *Oxford City*, *v.* James Haughton Langston, esq., deceased; for *Andover*, *v.* William Cubitt, esq., deceased; for *Buckingham County*, *v.* Hon. William George Cavendish, now Baron Chesham.

NEW MEMBERS SWORN—For *Worcester County* (Western Division), Hon. Frederick Lygon; for *Buckingham County*, Robert Bateson Harvey, esq.; for *Andover*, William Henry Humphery, esq.; for *Tamworth*, John Peel, esq.; for *Barnstaple*, Thomas Lloyd, esq.; for *Pontefract*, Samuel Waterhouse, esq.; for *Reading*, George John Shaw Lefevre, esq.; for *New Windsor*, Colonel Richard Henry Richard Howard Vyse; for *Oxford City*, Charles Neate, esq.; for *Ludlow*, Sir William Augustus Fraser, bart.; for *Montgomery Borough*, Hon. Charles Richard Douglas Hanbury Tracy; for *Clare County*, Sir Colman Michael O'Loghlen, bart.

PRIVILEGES—*Ordered*, That a Committee of Privileges be appointed.

Outlawries Bill—Bill "for the more effectual preventing Clandestine Outlawries," read 1°.*

NEW WRITS—For *Durham City*, *v.* Sir William Atherton, deceased; for *Tewkesbury*, The Hon. Frederick Lygon, Manor of Hempholme; for *Winchester*, Sir James Buller East, baronet, Chiltern Hundreds.

Address to Her Majesty ON THE LORDS COMMISSIONERS' SPEECH—

THE LORDS COMMISSIONERS' SPEECH, *reported:*—Resolution for an Address thereon *moved* by *Lord Richard Grosvenor* (the Motion being *seconded* by *Mr. Goschen*);—*Resolved* accordingly, and Committee appointed to draw up the same:—Lords Commissioners' Speech *referred* 74

House adjourned at Twelve o'clock.

LORDS, FRIDAY, FEBRUARY 5.

TOOK THE OATH—The Lord Inchiquin.

METROPOLITAN RAILWAYS—Question, The Earl of Powis; Answer, Earl Granville 159

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TOWNLEY, THE CONVICT—Motion (*The Earl of Carnarvon*) *postponed* .. 169

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COMMONS, FRIDAY, FEBRUARY 5.

MINUTES.]—NEW MEMBERS SWORN — Sir Robert Porrett Collier, knight, *for* Plymouth; Sir Roundell Palmer, knight, *for* Richmond.

SELECT COMMITTEE — On Printing; Kitchen and Refreshment Rooms (House of Commons).

PUBLIC BILLS — *Ordered* — Rents (Ireland)*; Landed Property Improvement (Ireland) Act Amendment.*

Court Martial on Colonel Crawley — Question, Mr. Dudley Fortescue; Answer, The Marquess of Hartington 170

"Lively," Wreck of H.M. Gunboat — Question, Mr. Richard Hodgson; Answer, Lord Clarence Paget 171

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Lords Commissioners' Speech—

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And, after long Debate, *agreed to.*

Lords Commissioners' Speech to be taken into consideration on *Monday* next.

Printing Committee—Select Committee *appointed*,

"To assist Mr. Speaker in all matters which relate to the Printing executed by Order of this House, and for the purpose of selecting and arranging for Printing Returns and Papers presented in pursuance of Motions made by Members of this House:"—Sir John Pakington, Sir Francis Baring, Mr. Walpole, Mr. Henley, Mr. Cardwell, Mr. Sotheron Estcourt, Mr. Bonham-Carter, Mr. Divett, Mr. Gaskell, Sir Stafford Northcote, Mr. Greene, Mr. Peel, The O'Conor Don, and Mr. Hastings Russell.—Three to be the Quorum.—(*Mr. Hastings Russell.*)

Kitchen and Refreshment Rooms (House of Commons) Committee—Standing Committee *appointed*,

"To control the arrangements of the Kitchen and Refreshment Rooms, in the department of the Serjeant at Arms attending this House:"—Colonel French, Mr. Bentinck, Lord Robert Montagu, Mr. Dalglish, Colonel White, Mr. Onslow, and Mr. Alderman Rose. —Three to be the quorum.—(*Colonel French.*)

Rents (Ireland) Bill—

On Motion of *Mr. Longfield*, Bill to facilitate the redemption and extinguishment of Rents in Ireland, *ordered** to be brought in by Mr. Longfield, Mr. Leader, and Sir Colman O'Loghlen.

Landed Property Improvement (Ireland) Act Amendment Bill—

On Motion of *Mr. Longfield*, Bill for the amendment in certain particulars of "The Landed Property Improvement (Ireland) Act, 1860," and to encourage Agricultural Improvements in that Country, *ordered** to be brought in by Mr. Longfield, Mr. Leader, and Sir Colman O'Loghlen.

House adjourned at a quarter before Nine o'clock.

LORDS, MONDAY, FEBRUARY 8.

Their Lordships met, and having gone through the business on the paper, without debate,

House adjourned at a quarter past Five o'clock.

COMMONS, MONDAY, FEBRUARY 8.

MINUTES.] — New Writ Issued — For Brighton *v.* William Coningham, esquire, Manor of Northstead.

Select Committees—Railway Schemes (Metropolis); Railway Companies' Powers; Controverted Elections (General Committee).

Committee—Sir John Lawrence's Salary *considered.*

Public Bills — *Resolution in Committee* — Malt for Cattle.

Ordered—Collection of Taxes.

First Reading—Rents (Ireland)* [Bill 1]; Landed Property Improvement (Ireland) Act Amendment* [Bill 2]; Judgments, &c., Law Amendment* [Bill 3]; Insane Prisoners Act Amendment [Bill 4]; Conveyancing, &c. (Ireland)* [Bill 5].

[*February* 8.]

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Motion, "That a Supply be granted to Her Majesty:"—(*Mr. Peel*)

The Military Establishments—Observations, Mr. Bentinck; Reply, Viscount Palmerston 219

Motion *agreed to;* Committee thereupon *To-morrow.*

Sir John Lawrence's Salary—*considered* in Committee.

(In the Committee.)

Resolution *moved,*

"That it is expedient to enable the Right Honourable Sir John Lawrence, Baronet, G.C.B., to receive the full amount of the Salary of the Office of Governor General of India, notwithstanding his being in receipt of an Annuity of £2,000 granted to him by the East India Company as an acknowledgment of his distinguished Services."—(*Sir Charles Wood.*) 222

After short Debate, Motion *agreed to.*

Malt for Cattle Bill—

Malt for Cattle—Acts *considered* in Committee.

(In the Committee.)

Moved—

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to allow the making of Malt Duty free to be used in feeding Cattle."—(*Mr. Chancellor of the Exchequer.*) 225

After Debate, Motion *agreed to.*

Resolution *reported:*—Bill *ordered* to be brought in by Mr. Chancellor of the Exchequer, Mr. Peel, and Mr. Hutt.

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After long Debate, Motion *agreed to.*

Bill *ordered* to be *brought in* by Sir George Grey, Mr. Bruce, and Mr. Attorney General:—Bill *presented*, and read 1°. [Bill 4.]

Railway Schemes (Metropolis)—Motion made, and Question proposed,

"That a Select Committee be appointed to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the Limits of the Metropolis by Bills to be introduced in the present Session, and to report their Opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session."—(*Mr. Milner Gibson.*) 279

RAILWAY SCHEMES (METROPOLIS)—*continued.*

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Sir John Shelley.*) 291

After long Debate, Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Ordered,

That a Select Committee be appointed to consider the best Method of dealing with the Railway Schemes proposed to be sanctioned within the Limits of the Metropolis by Bills to be introduced in the present Session, and to report their Opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session.

Committee *nominated*:—Mr. Milner Gibson, Lord Stanley, Mr. Massey, Colonel Wilson Patten, and Mr. Herbert.—Power to send for persons, papers, and records.—Three to be the quorum.

Ordered,

That a Message be sent to the Lords to acquaint their Lordships that this House hath appointed a Committee, consisting of Five Members, to join with a Committee of The Lords "to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and, if any, what schemes should not be proceeded with during the present Session;" and to request that their Lordships will be pleased to appoint an equal number of Lords to be joined with the Members of this House.

RAILWAY BILLS (METROPOLIS)—

Ordered,

That Standing Order No. 172 be suspended, as regards all Petitions for Railway Bills authorizing the construction of works within the limits of the Metropolis; and that no Petition for any such Bill be presented to this House until the day after the Report from the Select Committee on "Railway Schemes (Metropolis)" shall have been laid upon the Table.—(*Mr. Milner Gibson.*)

RAILWAY COMPANIES POWERS—Select Committee *appointed,*

"To inquire and report whether it is expedient that Railway Companies shall be authorized, and, if so, upon what conditions, to construct or enlarge, purchase, or take on lease, or otherwise appropriate, any Dock, Pier, Harbour or Ferry, or to acquire, provide, and use any Steam Vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects distinct from the undertaking of a Railway Company."—(*Mr. Massey.*) 300

And on March 3, Committee *nominated* as follows:—

Mr. Hutt, Lord Stanley, Mr. Algernon Egerton, Mr. Richard Hodgson, Mr. Clay, Sir Francis Goldsmid, Mr. Adair, Sir James Fergusson, Mr. Lygon, Mr. Kinnaird, Mr. Pollard-Urquhart, and Mr. Massey:—Power to send for persons, papers, and records.—Five to be the quorum.

Conveyancing, &c. (Ireland) Bill—

On Motion of *Mr. Attorney General for Ireland,* Bill to amend the Laws relating to Conveyancing, Special Pleaders, and Draughtsmen in Equity practising in Ireland, *ordered* to be brought in by Mr. Attorney General for Ireland and Sir Robert Peel:—Bill *presented,* and read 1°.* [Bill 5.]

Judgments, &c., Law Amendment Bill—

On Motion of *Mr. Hadfield,* Bill to amend the Law relating to future Judgments, Statutes, and Recognizances, *ordered* to be brought in by Mr. Hadfield, Mr. Locke-King, and Mr. Powell:—Bill *presented,* and read 1°.* [Bill 3.]

CONTROVERTED ELECTIONS—GENERAL COMMITTEE OF ELECTIONS—

The following Members appointed to serve on the General Committee of Elections for 1864 (*by Mr. Speaker's Warrant*):—

The Right Hon. Sir Francis Thornhill Baring, baronet; the Right Hon. Spencer Horatio Walpole; the Right Hon. Henry Arthur Herbert; Sir William Miles, baronet; Henry Ker-Seymer, esq.; John Bonham-Carter, esq., to be Members of the General Committee of Elections for the present Session.

House adjourned at a quarter after Twelve o'clock.

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My Lords,

Your loyal and affectionate Address gives Me the truest Gratification.

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My constant Desire is to promote the Welfare and Happiness of My faithful People ... 301

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To acquaint this House, That they have appointed a Committee consisting of Five Members to join with a Committee of the Lords "to consider the best Method of dealing with the Railway Schemes proposed to be sanctioned within the Limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session; and to request that their Lordships will be pleased to appoint an equal Number of Lords to be joined with the Members of the House of Commons. ... 311

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House adjourned at a quarter before Seven o'clock.

COMMONS, TUESDAY, FEBRUARY 9.

MINUTES.]—Select Committee—Registration of County Voters *appointed.* (*List of Committee.*)

Supply — *considered in Committee* — Lords Commissioners' Speech *considered.**

Public Bills — *Resolution in Committee* — Chain Cables and Anchors.*

Ordered — Appeal in Criminal Cases Act Amendment*; Trespass (Ireland)*; Sir John Lawrence's Salary.*

First Reading—Malt for Cattle* [Bill 6]; Collection of Taxes* [Bill 7]; Church Rates Commutation* [Bill 8]; Chain Cables and Anchors* [Bill 9]; Sir John Lawrence's Salary* [Bill 10].

Her Majesty's Answer to the Address—

The Comptroller of the Household *reported* Her Majesty's Answer to the Address, as follows:—

I return you My heartfelt thanks for your loyal and dutiful Address.

I receive with sincere satisfaction your cordial congratulations on the birth of the Prince, my Grandson, and your assurances of devoted loyalty and attachment to My Person and Family are most gratifying to Me.

You may rely on My willing co-operation with you in promoting whatever is conducive to the welfare and happiness of My faithful People. 321

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Motion made, and Question proposed,

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(In the Committee.)

Lords Commissioners' Speech read.

Resolved, "That a Supply be granted to Her Majesty:"—Resolution to be *reported* on *Thursday*.

REGISTRATION OF COUNTY VOTERS—Select Committee *appointed*,

"To inquire into the present system of registration of County Voters for Members of Parliament in England and Wales, and whether any and what other provisions should be made for the registration of such Voters."—(*Mr. Dodson.*)

And on February 16, Committee *nominated* as follows:—

Mr. Walter, Mr. Dodson, Mr. Hunt, Mr. Algernon Egerton, Mr. Henry Austin Bruce, Viscount Ingestre, Mr. Sclater-Booth, Mr. Locke-King, Sir Edward Colebrooke, Mr. Longfield, Mr. Collins, Mr. Locke, Mr. Evans, and Mr. Charles Wynn.—Power to send for persons, papers, and records.—Five to be the quorum.

REGISTRATION OF COUNTY VOTERS—*continued.*

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"That the Committee have power to inquire into the sufficiency of the powers vested in Revising Barristers for enforcing order in their Courts, and to report upon the same."—(*Mr. Hunt.*)

Appeal in Criminal Cases Act Amendment Bill—

On Motion of *Sir FitzRoy Kelly,* Bill to amend an Act of the Session of the eleventh and twelfth years of Her Majesty, chapter seventy-eight, to provide a further Appeal in Criminal Cases, and for the further amendment of the administration of the Criminal Law, *ordered** to be brought in by Sir FitzRoy Kelly, Mr. William Ewart, and Mr. M'Mahon.

Church Rates Commutation Bill—

On Motion of *Mr. Newdegate,* Bill for the Commutation of Church Rates, *ordered* to be brought in by Mr. Newdegate and Lord Robert Montagu:—Bill *presented,* and read 1°.* [Bill 8.]

Trespass (Ireland) Bill—

On Motion of *Mr. William Ormsby Gore,* Bill to amend the Law of Trespass in certain cases in Ireland, *ordered** to be brought in by Mr. William Ormsby Gore and Captain Archdall.

Chain Cables and Anchors Bill—

Chain Cables and Anchors *considered** in Committee.

(In the Committee.)

On Motion of *Mr. Laird, resolved,* "That the Chairman be directed to move the House, That leave be given to bring in a Bill for regulating the proving and sale of Chain Cables and Anchors."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Laird and Sir James Elphinstone:—Bill *presented,* and read 1°. [Bill 9.]

Sir John Lawrence's Salary—

Resolution *reported* and *agreed to.*

Bill *ordered* to be brought in by Mr. Massey, Sir Charles Wood, and Mr. Baring:—Bill *presented,* and read 1°.* [Bill 10.]

House adjourned at a quarter after One o'clock.

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Motion,

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After Debate, Motion *agreed to.*

Then it was *moved,* That such Select Committee consist of Five Lords, Three to be a Quorum, *agreed to.* The Lords following were named of the Committee:—Ld. President, E. Romney, V. Eversley, L. Redesdale, L. Stanley of Alderley. That a Message was Ordered to be sent to the House of Commons, in answer to their Message of Tuesday last, to inform them of the Appointment of the said Select Committee by this House, and to propose to the House of Commons that the joint Committee do meet in the Painted Chamber on *Monday* next, at Half past Three o'Clock.

House adjourned at a quarter before Eight o'clock.

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COMMONS, THURSDAY, FEBRUARY 11.

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SELECT COMMITTEE — On Standing Orders *nominated**; Committee of Selection *nominated.**

SUPPLY—*Resolution* [Feb. 9] *reported*—"That a Supply be granted to Her Majesty."

PUBLIC BILLS — *Resolution in Committee* — Bank Acts (Scotland).

Ordered—County Courts (Ireland).

First Reading—Government Annuities [Bill 11].

Second Reading—Sir John Lawrence's Salary* [Bill 10].

STANDING ORDERS—COMMITTEE—Select Committee on Standing Orders *nominated:*—Colonel Wilson Patten, Mr. Walpole, Mr. Henley, Mr. Wrightson, Mr. Herbert, Mr. Bramston, Mr. Bonham-Carter, Mr. Lefroy, Mr. Dunlop, Mr. Puller, and Mr. Edward Egerton.

COMMITTEE OF SELECTION—Committee of Selection *nominated:*—Mr. Dunlop, Mr. Herbert, Mr. Bonham-Carter, Lord Hotham, Mr. Mowbray, and the Chairman of the Select Committee on Standing Orders.

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Considered in Committee 467

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On Motion of *Mr. Chancellor of the Exchequer*, *Resolved*,

"That it is expedient to make provision for replacing the lapsed issue of Bank Notes in Scotland upon payment from time to time of a certain charge in respect thereof."

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SUPPLY—Resolution, "That a Supply be granted to Her Majesty," *reported*.

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County Courts (Ireland) Bill—

On Motion of the *Attorney General for Ireland* (after short Debate), Bill to amend the procedure of the County Courts in Ireland, *ordered* to be brought in by Mr. Attorney General for Ireland, Sir Robert Peel, and Sir George Grey:—Bill *presented*, and read 1°. [Bill 12.] 480

CHARITABLE ESTATES AND TRUSTS ACTS—

Motion made, and Question proposed, "That there be laid before this House Returns—

"Of the names of the Chief Commissioners, Commissioners, Secretaries, Inspectors, Accountants, First Clerks, Second Clerks, and all other officials, who have been appointed under the Charitable Estates and Trusts Acts of 1853 and 1855; also the dates of their appointments, and the amount of salary and travelling expenses each has received annually, and the profession, trade, or calling in which he was engaged when appointed;

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Returns *ordered,*

"Of the names of the Chief Commissioners, Commissioners, Secretaries, Inspectors, Accountants, First Clerks, Second Clerks, and all other officials, who have been appointed under the Charitable Estates and Trusts Acts of 1853 and 1855; also the dates of their appointments, and the amount of salary and travelling expenses each has received annually."—*(Parl. Paper,* No. 83.)

House adjourned at a quarter before Eight o'clock.

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Ordered,

"That the Select Committee appointed by this House to join with the Select Committee appointed by the Commons to consider the Metropolitan Railway Schemes, have Power to agree in the Appointment of a Chairman of such Committee."

House adjourned at a quarter past Five o'clock.

COMMONS, FRIDAY, FEBRUARY 12.

MINUTES.] — New Members Sworn — Thomas Fleming, esquire, *for* Winchester; John Henderson, esquire, *for* Durham City.

Supply—*considered in Committee**—Committee report Progress.

Public Bills — *Resolution in Committee* — Tests Abolition (Oxford)*.

Ordered — Tests Abolition (Oxford)*; Bank Acts (Scotland)*.

First Reading — County Courts (Ireland)* [Bill 12]; Trespass (Ireland)* [Bill 13]; Appeal in Criminal Cases Act Amendment* [Bill 14]; Vestry Cess Abolition (Ireland)* [Bill 15]; Bank Acts (Scotland)* [Bill 16]; Election Petitions* [Bill 17]; Tests Abolition (Oxford)* [Bill 18].

Committee — Sir John Lawrence's Salary* [Bill 10].

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Railway Schemes (Metropolis)—Message from the Lords *brought up*—(*Mr. Milner Gibson.*)

"That they do *agree* to the appointment of a Committee, consisting of Five Lords, to join with a Committee of this House, consisting of Five Members, to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis, by Bills to be introduced in the present Session (pursuant to Message of *Tuesday* last); and their Lordships propose that the said joint Committee do meet in the Painted Chamber at half past Three of the clock on *Monday* next."

Lords' Message *considered*, and Order made thereon.

Ordered accordingly.

Message to the Lords—

"To acquaint their Lordships that this House hath directed the Committee appointed by them to join with the Select Committee of the Lords, 'to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session,' to meet the Committee appointed by their Lordships in the Painted Chamber on *Monday* next, at half past Three of the clock, as desired by their Lordships."

Ordered,

"That the Select Committee appointed to join with the Select Committee appointed by the Lords 'to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and, if any, what schemes should not be proceeded with during the present Session,' have power to agree in the appointment of a Chairman of such Joint Committee."—(*Mr. Milner Gibson.*)

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

United States—Capture of British Ships—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence with the Governor of the Bahama Islands, with reference to the sinking of the *Margaret* and *Jessie* in British waters.

"Of all Correspondence with the owners of the *Margaret* and *Jessie.*

"Of all Correspondence with the Government of the United States, or their Representative in London, or Lord Lyons, on the same subject.

"Of all Correspondence between the owners of the *Springbok* and Her Majesty's Government, and also between Lord Lyons and the Government of the United States, with reference to the judgment of the Admiralty Court at New York.

"And, of all Correspondence between Her Majesty's Government and the owners of the vessels the *Science* and the *Saxon*, and of Her Majesty's Government and the Government of the United States on the same subject,"—(*Mr. Seymour Fitz Gerald,*) —instead thereof 501

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Supply *considered* in Committee:—

Committee report Progress; to sit again on *Monday* next.

County Courts (Ireland) Bill—

Bill to amend the procedure of the County Courts in Ireland:—Bill *presented*, and read 1°.* [Bill 12.]

Trespass (Ireland) Bill—

Bill to amend the Law in certain cases relating to Trespasses in pursuit of Game:—Bill *presented*, and read 1°.* [Bill 13.]

Bank Acts (Scotland) Bill—

Resolution *reported*,

"That it is expedient to make provision for replacing the lapsed issue of Bank Notes in Scotland upon payment from time to time of a certain charge in respect thereof.

Resolution *agreed to*.

Bill *ordered* (Mr. Chancellor of the Exchequer and Mr. Peel.) Bill *presented*, and read 1°.* [Bill 16.]

Vestry Cess Abolition (Ireland) Bill—

On Motion of *Sir Robert Peel*, Bill for the Abolition of Vestry Cess in Ireland, and for other purposes relating thereto, *ordered* to be brought in by Sir Robert Peel and Mr. Attorney General for Ireland:—Bill *presented*, and read 1°.* [Bill 15.]

Tests Abolition (Oxford) Bill—

Tests Abolition (Oxford) *considered** in Committee.

(In the Committee.)

On Motion of *Mr. Dodson*, *resolved*,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to provide for the Abolition of certain Tests in connection with Academical Degrees in the University of Oxford."

Resolution *reported*.

Bill *ordered* to be brought in by Mr. Dodson, Mr. Grant Duff, and Mr. Goschen. Bill *presented*, and read 1°. [Bill 18.]

Elections Petitions Bill—

Bill to amend the Law relating to Elections Petitions, *ordered* to be brought in by Mr. Hunt and Mr. Knightley:—Bill *presented* and read 1°.* [Bill 17.]

House adjourned at Eight o'clock.

LORDS, MONDAY, FEBRUARY 15.

PRIVATE BILLS—*Ordered*,

That this House will not receive any Petition for a Private Bill after *Tuesday*, the *22nd Day of March* next, unless such Private Bill shall have been approved by the Court of Chancery; nor any Petition for a Private Bill approved by the Court of Chancery after *Thursday*, the *12th Day of May* next.

Ordered,

That this House will not receive any Report from the Judges, upon Petitions presented to this House for Private Bills, after *Thursday*, the *12th Day of May* next.

Ordered,

That the said Orders be *printed* and *published*, and affixed on the Doors of this House and Westminster Hall. (No. 8.)

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Insane Prisoners Act Amendment Bill [Bill 4]—

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Sir George Grey.*) 567

After long Debate, Motion *agreed to:*—Bill read 2°, and *committed* for *Friday.*

Conveyancers, &c. (Ireland) Bill [Bill 5]—

On Motion of *The Attorney General for Ireland,* Bill read 2°, after short Debate, and *committed* for *Friday,* 26th *February* 595

Malt for Cattle Bill [Bill 6]—

Moved, "That the Bill be read the second time;" 596

After long Debate, Motion *agreed to:*—Bill read 2°, and *committed* for *Wednesday,* 24th *February.*

Collection of Taxes Bill [Bill 7]—

Moved, "That the Bill be now read the second time."—(*Mr. Chancellor of the Exchequer.*) 616

After short Debate, Motion *agreed to:*—Bill read 2°, and *committed* for *Friday,* 18th *March.*

Warehousing of British Spirits Bill—

Warehousing of British Spirits—*considered** in Committee.

(In the Committee.)

On Motion of *Mr. Chancellor of the Exchequer, Resolved,*

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Laws relating to the Warehousing of British Spirits."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Chancellor of the Exchequer, Mr. Peel, and Sir William Dunbar:—Bill *presented,* and read 1°. [Bill 19.]

Insolvent Debtors Bill—

On Motion of *Mr. Paull,* Bill to facilitate the discharge of Insolvent Debtors in certain cases, *ordered* to be brought in by Mr. Paull, Mr. John Locke, and Mr. M'Mahon :—Bill *presented,* and read 1°.* [Bill 20.]

Forfeiture of Lands and Goods Bill—

On Motion of *Mr. Charles Forster,* Bill to abolish the Forfeiture of Lands and Goods on convictions of Felony, *ordered* to be brought in by Mr. Charles Forster, Mr. William Ewart, and Mr. Locke-King :—Bill *presented,* and read 1°.* [Bill 21.]

Watching of Towns (Ireland) Bill—

On Motion of *Sir Hervey Bruce,* Bill to provide for the better Watching of Towns in Ireland, *ordered* to be brought in by Sir Hervey Bruce, Sir Frederick Heygate, and Captain Stacpoole :—Bill *presented,* and read 1°.* [Bill 22.]

House adjourned at half after Ten o'clock.

LORDS, TUESDAY, FEBRUARY 16.

SAT FIRST IN PARLIAMENT — The Lord BRODRICK, after the death of his Brother.

THE LORD CHANCELLOR'S AUGMENTATION ACT—

Return laid before the House (pursuant to Act) of all Sales, &c., under the Lord Chancellor's Augmentation Act, up to February 15th, 1864.—(*The Lord Chancellor.*) (No. 12.) 617

UNITED STATES—BRITISH AND AMERICAN CLAIMS—

Address for,

"Return of Claims made by British Subjects upon the United States Government, sustained either in Person or Property since the Secession of the Southern States, specifying how and the Grounds on which such Claims have been disposed of."—(*The Earl of Carnarvon.*) 618

Also,

"Correspondence or Extracts from Correspondence relative to the Capture of the *Saxon* by the United States Ship *Vanderbilt.*"

And also,

"Copy of Instructions to the Colonial Authorities relative to the Detention of the *Tuscaloosa.*"

After long Debate, Motion *agreed to.*

House adjourned at a quarter past Six o'clock.

COMMONS, TUESDAY, FEBRUARY 16.

MINUTES.]—SELECT COMMITTEE — Registration of County Voters (Feb. 10) *nominated.*

PUBLIC BILL—*Ordered*—Railways (Facilities for Construction)*; Railway Companies' Powers.*

Beckenham, Lewes, and Brighton Railway Bill (*by Order*)—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir John Shelley.*) 635

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Hankey.*) 637

After Debate, Question, "That the word 'now' stand part of the Question," put, and *negatived :*—Words *added :*—Main Question, as amended, put, and *agreed to :*—Bill *put off* for six months.

CALEDONIAN, EDINBURGH, AND GLASGOW, AND SCOTTISH CENTRAL RAILWAY COMPANIES BILL (*by Order*)—

Motion made, and Question proposed, "That the Bill be now read a second time" 640

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CALEDONIAN, &c., RAILWAY COMPANIES BILL—*continued.*

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Buchanan.*)

After short Debate, Question "That the word 'now' stand part of the Question," put, and *negatived*:—Words *added*:—Main Question, as amended, put, and *agreed to*:—Bill *put off* for six months.

GREAT NORTHERN RAILWAY (No. 3) (DONCASTER TO GAINSBOROUGH) BILL (*by Order*)—

Motion made, and Question proposed, "That the Bill be read a second time." 642

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Lord Robert Montagu.*)

After short Debate, Question, "That the word 'now' stand part of the Question," put, and *agreed to*:—Main Question put, and *agreed to*:—Bill read 2°, and *committed.*

HARWICH CORPORATION BILL (*by Order*)—

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Captain Jervis.*) 643

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Crawford.*)

After short Debate, Question put, "That the word 'now' stand part of the Question."—The House *divided;* Ayes 141, Noes 68; Majority 73. Main Question put, and *agreed to*:—Bill read 2°, and *committed.*

LONDON, BRIGHTON, AND SOUTH COAST RAILWAY (KEMP TOWN STATION AND LINES) BILL (*by Order*)—

After short Debate, Bill read 2°, and *committed* 645

PRIVATE BILLS—RESOLUTIONS—

First Resolution—Motion made, and Question proposed,

"That the Committee of Selection and the General Committee on Railway and Canal Bills at any time after the committal of any Bills, be empowered, with the consent of all parties promoting and opposing, to refer the same wholly or with reference to particular Clauses, to the Chairman of the Committee of Ways and Means, and that such Chairman, together with Members to be appointed in like manner as Members of the Committee on Unopposed Bills, be empowered to hear the parties promoting and opposing such Bills or their agents, and to report upon the same to the House."—(*Mr. Milner Gibson.*) 645

Amendment proposed,

To leave out from the first word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the duty of ascertaining the facts upon which Legislation in respect to Private Bills is to proceed, should be discharged by some tribunal external to this House,"—(*Lord Robert Cecil,*)—instead thereof 647

Question proposed, "That the words proposed to be left out stand part of the Question:"— After Debate, Amendment, by leave, *withdrawn*:—Main Question put, and *agreed to.*

Second Resolution—Motion made, and Question proposed,

"That in lieu of the Fees to be paid by the Opponents of a Private Bill for proceedings before any Committee, the following Fee be hereafter paid:—

"For every day on which the Petitioners appear before any Committee ... £2 0 0 —(*Mr. Milner Gibson.*) 663

Amendment proposed,

"At the end of the Question, to add the words, "Committees shall have discretion to exonerate Petitioners, owners or tenants of property to be affected by Bills, from the payment of Fees in seeking for exemption, or for Clauses, if they shall see fit; and to charge the Promoters of such Bills with all Fees to be paid in respect of the same.'"—(*Mr. Hadfield.*)

PRIVATE BILLS—*continued.*

Question put, "That those words be there added:"—The House *divided;* Ayes 42, Noes 65; Majority 23.

Main Question put, and *agreed to.*

Third Resolution—Motion made, and Question proposed,

"That in lieu of the *ad valorem* Fees to be paid by the Promoters of Private Bills for proceedings in the House, where money is to be raised or expended under the authority of any Bill for the execution of a work, the following Fees be hereafter paid:—

"If the sum be £100,000, and under £500,000, twice the amount of such Fees.

"If the sum be £500,000, and under £1,000,000, three times the amount of such Fees.

"If the sum be £1,000,000 and above, four times the amount of such Fees."—(*Mr. Milner Gibson.*) 664

Amendment proposed,

"To leave out from the word 'That,' to the end of the Question, in order to add the words 'there shall be charged an uniform Fee on all Private Bills for proceedings in the House,'"—(*Mr. Richard Hodgson,*)—instead thereof. 666

After Debate, Question put, "That the words proposed to be left out stand part of the Question:" — The House *divided;* Ayes 135, Noes 4; Majority 131.

Main Question put, and *agreed to.*

Fourth Resolution—

"That in the Table of Fees to be paid on the Taxation of Costs on Private Bills, the third paragraph—namely, 'For every Bill under £100, £1,' be omitted,"—(*Mr. Milner Gibson,*)—*agreed to.*

Fifth Resolution—Motion made, and Question proposed,

"That the Speaker be requested to revise the list of charges for Parliamentary Agents, Solicitors, and others, with a view especially to the reduction of the charges allowed for Copies of Documents.—(*Mr. Milner Gibson.*) 672

After short Debate, *agreed to.*

Sixth Resolution—Motion made, and Question proposed,

"That the Minutes of Evidence on Unopposed Private Bills be printed at the expense of the parties whenever Copies of the same shall be required."—(*Mr. Milner Gibson.*) ... 676

After short Debate, Resolution *agreed to.*

Seventh Resolution—Motion made, and Question proposed,

"That Committees on Private Bills be ordered to meet at Eleven of the clock."—(*Mr. Milner Gibson.*) 677

Amendment proposed, to leave out the word "eleven" and insert the word "twelve,"—(*Mr. Hassard,*)—instead thereof.

Question proposed, "That the word 'eleven' stand part of the Question."

After short Debate, Amendment, and Motion, by leave, *withdrawn.*

PROPOSED BISHOPRIC OF CORNWALL—Question, Sir Stafford Northcote; Answer, Sir George Grey 680

REGISTRATION OF COUNTY VOTERS—Nomination of Committee 681

Viscount Enfield *nominated* a Member of the Committee.

Motion made, and Question proposed, "That Mr. Walter be one other Member of the said Committee."

Motion made, and Question put, "That the Debate be now adjourned:"—(*Colonel French:*)—The House *divided;* Ayes 6, Noes 48; Majority 42.

Mr. Walter, Mr. Dodson, Mr. Hunt, Mr. Algernon Egerton, Mr. Henry Austin Bruce, Viscount Ingestre, Mr. Sclater-Booth, Mr. Locke-King, Sir Edward Colebrooke, Mr. Longfield, Mr. Collins, Mr. Locke, Mr. Evans, and Mr. Charles Wynn *nominated* other Members of the Committee.—Power to send for persons, papers, and records. Five to be the quorum.—(*Mr. Dodson.*)

Moved,

"That it be an Instruction to such Committee, 'that they have power to inquire into the sufficiency of the powers vested in Revising Barristers for enforcing order in their Courts, and to report upon the same."—(*Mr. Hunt.*)

Motion *agreed to.*

Railways (Facilities for Construction) Bill—

On Motion of Mr. Milner Gibson, Bill to facilitate, in certain cases, the obtaining of Powers for the Construction of Railways, *ordered* * to be brought in by Mr. Milner Gibson and Mr. Hutt.

Railway Companies' Powers Bill—

On Motion of Mr. Milner Gibson, Bill to facilitate, in certain cases, the obtaining of further Powers by Railway Companies, *ordered* * to be brought in by Mr. Milner Gibson and Mr. Hutt.

House adjourned at a quarter before Twelve o'clock.

COMMONS, WEDNESDAY, FEBRUARY 17.

MINUTES.]—New Writ Issued—For Dorset *v.* Henry Ker Seymer, esquire, Manor of Hempholme.

Select Committee—*Report*—Committee of Selection, *First Report* (No. 62.)

Public Bill—(*Second Reading*)—Chain Cables and Anchors [Bill 9].

Chain Cables and Anchors Bill [Bill 9]—

Moved, "That the Bill be now read the second time."—(*Mr. Laird.*) .. 682

After Debate, Motion *agreed to* :—Bill read 2°, and *committed* for *Wednesday* next.

Poors' Rate—Motion made, and Question proposed,

"That leave be given to bring in a Bill for more equitable distribution of the Charge on Landed Property for the Relief of the Sick and Destitute, known by the name of Poors' Rate."—(*Mr. Bernard.*) 695

After Debate, Motion, by leave, *withdrawn.*

House adjourned at Three o'clock.

LORDS, THURSDAY, FEBRUARY 18.

Museum and Library of Patents—Question, The Earl of Powis; Answer, Earl Granville 706

Clerks of the Peace—Observations, The Earl of Romney; Answer, The Lord Chancellor 708

House adjourned at a quarter before Six o'clock.

COMMONS, THURSDAY, FEBRUARY 18.

MINUTES.]—New Member Sworn—Henry Moor, esquire, *for* Brighton.

Select Committee—Controverted Elections—Chairmen's Panel; Controverted Elections—General Committee of Elections, George Ward Hunt, esquire, *v.* Henry Ker Seymer, esquire.

Public Bills—*First Reading*—Penal Servitude Acts Amendment [Bill 23]; Weights and Measures (Metric System)* [Bill 24.]

Second Reading—Vestry Cess Abolition (Ireland) [Bill 15.]

Controverted Elections—Chairmen's Panel—

Sir William Miles *reported* from the General Committee of Elections: That they had selected the following Members to be the Chairmen's Panel, and to serve as Chairmen of Election Committees during the present Session:—Hugh Edward Adair, James Wentworth Buller, Edward C. Egerton (Macclesfield), Viscount Enfield, George Ward Hunt, Robert Longfield.

Report to lie upon the table.

Great Eastern Northern Junction Railway Bill (*by Order*)—

Motion made, and Question proposed, "That the Bill be now read a second time." 710

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Colonel Packe.*)

Question proposed, "That the word 'now' stand part of the Question."

After short Debate, Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to* :—Bill read 2°, and *committed.*

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ARMY RECEIPT AND EXPENDITURE—Question, Sir Henry Willoughby; Answer, The Marquess of Hartington 712

THE HIGHWAYS ACT—Questions, Mr. Long, Mr. Rogers; Answer, Sir George Grey 712

GERMANY—AUSTRIA AND THE ZOLLVEREIN—Question, Mr. Somerset Beaumont; Answer, Mr. Hutt 713

UNITED STATES—ENGLISH SHIPS AND AMERICAN CRUISERS—Question, Mr. H. Baillie; Answer, The Attorney General .. .. : 713

REV. DR. PAYNE—CLAIM ON THE GREEK GOVERNMENT—Question, Mr. O'Neill; Answer, Mr. Layard 715

QUEEN'S COLLEGE, CORK—Questions, Lord Naas, Mr. Hennessy; Answer, Sir Robert Peel 715

BRAZIL—Question, Mr. Hunt; Answer, Mr. Layard 716

GOVERNMENT ANNUITIES BILL—Question, Mr. H. B. Sheridan; Answer, Sir George Grey 717

DEBATE ON KAGOSIMA—ADMIRAL LAMBERT—Explanation, Mr. Buxton .. 717

DEBATE ON KAGOSIMA—"THE ILLUSTRATED LONDON NEWS"—Explanation, Mr. Layard 717

Vestry Cess Abolition (Ireland) Bill [Bill 15]—

Moved, "That the Bill be now read a second time."—(*Sir Robert Peel.*) .. 718

After Debate, Motion *agreed to*:—

Bill read 2°; and *committed* for *Thursday* next.

Penal Servitude Acts Amendment Bill—

Moved, "That leave be given to bring in a Bill to amend the Penal Servitude Acts."—(*Sir George Grey.*) 723

After long Debate, Motion *agreed to*:—

Bill to amend the Penal Servitude Acts, *ordered* to be brought in by Sir George Grey and Mr. Bruce:—Bill *presented*, and read 1°. [Bill 23.]

Weights and Measures (Metric) System Bill—

On Motion of *Mr. W. Ewart*, Bill to render permissive the use of the Metric System of Weights and Measures in this country, *ordered* to be brought in by Mr. William Ewart, Mr. Adderley, Mr. Cobden, and Mr. Finlay:—Bill *presented*, and read 1°.* [Bill 24.]

House adjourned at Twelve o'clock.

LORDS, FRIDAY, FEBRUARY 19.

Their Lordships met, and having gone through the business on the Paper without debate,

House adjourned at a quarter past Five o'clock.

COMMONS, FRIDAY, FEBRUARY 19.

MINUTES—SELECT COMMITTEE — on Poor Relief, *appointed.** (*List of Committee.*)

SUPPLY—*considered in Committee**—Committee.—R.P.

PUBLIC BILLS—*First Reading*—Land Drainage (Provisional Orders)* [Bill 25]; Inclosure* [Bill 26]; Cattle Diseases Prevention* [Bill 27]; Cattle, &c., Importation* [Bill 28].

Second Reading—Bank Acts (Scotland) [Bill 16].

Committee—Insane Prisoners Act Amendment [Bill 4.]

Report—Insane Prisoners Act Amendment.*

THE "ALABAMA"—CAPTURE OF THE "MARTABAN"—Question, Mr. G. S. Lefevre; Answer, Mr. Layard 793

AFFAIRS OF MEXICO—Question, Mr. Somerset Beaumont; Answer, Mr. Layard 793

REPORT OF THE COMMISSIONERS ON ROYAL ACADEMY—THE EXHIBITION BUILDING—Question, Lord Elcho; Answer, Mr. Cowper 793

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Export Duty on Rags—Question, Lord Stanley; Answer Mr. Layard .. 794

The Charity Commission—Salary of the Secretary—Question, Mr. Ferrand; Answer, Mr. Lowe 794

Circuits of the Judges—The Northern Circuit—The West Riding Circuit—Question, Mr. Morritt; Answer, Sir George Grey 795

Government Annuities Bill—Question, Mr. H. B. Sheridan; Answer, The Chancellor of the Exchequer 796

United States—The "Saxon"—Murder of Mr. Gray—Question, Mr. Seymour Fitzgerald; Answer, Mr. Layard 796

Bank Acts (Scotland) Bill—Question, Sir Edward Colebrooke; Answer, The Chancellor of the Exchequer 797

Japan—Mr. Moss—Explanation, Mr. Aytoun 798

The Charity Commissioners—Explanation, Mr. Ferrand 798

Denmark—The Danish Papers—Question, Lord John Manners; Answer, Mr. Layard 799

Denmark and Germany—The Province of Jutland—Question, Mr. Newdegate; Answer, Viscount Palmerston 799

SUPPLY—Order for Committee read;—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Assize Town for the West Riding Circuit—

Amendment moved for an Address praying "that Her Majesty will be graciously pleased to nominate the Town of Wakefield as the Assize Town for the West Riding of Yorkshire."—(*Sir John Hay.*) 800

After long Debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 138, Noes 119; Majority 19.

Law of Settlement—Observations, Mr. Warner 818

Appointment of Lieut. General Gough to the 2nd Dragoons—Question, Colonel Barttelot; Answer, The Marquess of Hartington:—Debate thereon 818

United States—Capture of a Confederate Vessel in a British Harbour—Question, Mr. Haliburton 823; Answer, Mr. Layard 829

Denmark and Germany—The Danish Succession—Treaty of 1852, and the Warsaw Protocol—Question, Mr. Kinglake 825; Answer, Mr. Layard 829

Main Question put, and *agreed to.*

Supply *considered* in Committee:—Committee report Progress.

Insane Prisoners Act Amendment Bill [Bill 4]—

Considered in Committee.

(In the Committee.)

Clause 1 (Repeal of 3 & 4 *Vict.* c. 54, s. 1), *agreed to.*

Clause 2 (Prisoners becoming insane, Two Justices may inquire, with Medical Aid, respecting such Insanity.)

Amendment proposed, in page 1, line 12, to leave out the word "death."—(*Mr. Gathorne Hardy.*) 833

After Debate, Question put, "That the word 'death' stand part of the Clause:"—The Committee *divided;* Ayes 32, Noes 26; Majority 6.

Division List—Ayes and Noes 846

Clause *agreed to*:—Remaining Clauses *agreed to.*

Additional Clause—(Charge of maintenance of insane prisoners to be borne by the common fund of the Union.)—(*Mr. W. G. Langton.*)

Clause *added.*

Bill *reported;* as amended, to be considered on *Tuesday* next.

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POOR RELIEF—SELECT COMMITTEE—

Select Committee *appointed*,

"To inquire into the administration of the Relief of the Poor under the Orders, Rules, and Regulations issued by the Poor Law Commissioners and the Poor Law Board, pursuant to the provisions of the Poor Law Amendment Act, and into the operation of the Laws relating to the Relief of the Poor."—(*Mr. Villiers.*)

And on Wednesday, February 24, Committee *nominated* :—

Mr. Villiers, Sir John Acton, Mr. Bazley, Mr. Bouverie, Sir George Bowyer, Mr. Caird, Lord Robert Cecil, Lord Fermoy, Lord Edward Howard, Sir William Jolliffe, Mr. Locke, Mr. Lowe, Mr. Lyall, Mr. Kekewich, Mr. Neate, Colonel Pennant, Mr. Alderman Sidney, Mr. Tollemache, and Mr. Walpole :—Power to send for persons, papers and records ; Five to be the quorum.—And on February 29, Mr. Buller *added;* and on March 2, Sir William Miles *added.*

Inclosure Bill—

On Motion of *Mr. Bruce,* Bill to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered* to be brought in by Mr. Bruce and Sir George Grey :—Bill *presented,* and read 1°.* [Bill 26.]

Land Drainage (Provisional Orders) Bill—

On Motion of *Mr. Bruce,* Bill to confirm certain Provisional Orders under "The Land Drainage Act, 1861," *ordered* to be brought in by Mr. Bruce and Sir George Grey :—Bill *presented,* and read 1°.* [Bill 25.]

Cattle, &c., Importation Bill—

On Motion of *Mr. Bruce,* Bill for the amendment of the Law relating to the Importation of Diseased Cattle and Unwholesome Meat, *ordered* to be brought in by Mr. Bruce and Sir George Grey :—Bill *presented,* and read 1°.* [Bill 28.]

Cattle Diseases Prevention Bill—

On Motion of *Mr. Bruce,* Bill to make further provision for the Prevention of Infectious Diseases amongst Cattle, *ordered* to be brought in by Mr. Bruce and Sir George Grey :—Bill *presented,* and read 1°.* [Bill 27.]

House adjourned at a quarter after Ten o'clock.

LORDS, MONDAY, FEBRUARY 22.

RAILWAY SCHEMES (METROPOLIS) — Observations, The Earl of Donoughmore; Reply, Earl Granville 848

Royal Arcade Bill—

Moved, "That the Bill be now read 2ª."—(*Lord Redesdale*) 849

Amendment *moved* to leave out ("now") and insert ("this Day Six Months.") (*The Earl of Derby.*)

After Debate, on Question, That ("now") stand part of the Motion? *Resolved* in the *Negative ;* and Bill to be read 2ª on this Day Six Months.

MILITARY COMMISSIONERS IN NORTH AMERICA — Question, Lord Campbell; Answer, Earl De Grey and Ripon 856

House adjourned at Six o'clock.

COMMONS, MONDAY, FEBRUARY 22.

MINUTES.] — SUPPLY — *considered in Committee*—Committee—R.P.*

PUBLIC BILLS — *Ordered* — Summary Procedure (Scotland)* ; Court of Justiciary (Scotland)*.

First Reading — Railways Construction Facilities* [Bill 29]; Railway Companies' Powers* [Bill 30].

DENMARK—BALTIC COAST LIGHTS—Question, Mr. Bentinck; Answer, Mr. Milner Gibson 858

KERTCH PRIZE MONEY—Question, Mr. J. Ewart; Answer, Mr. Hutt .. 858

DENMARK—EMBARGOES ON DANISH AND GERMAN SHIPPING—Question, Sir John Ogilvy; Answer, Mr. Layard 859

CHINA—CAPTAIN OSBORNE'S EXPEDITION—Question, Colonel Sykes; Answer, Mr. Layard 60

THE NAVY ESTIMATES—Question, Mr. Bentinck; Answer, Lord Clarence Paget 860

DENMARK AND GERMANY — INTEGRITY OF THE DANISH MONARCHY — THE CORRESPONDENCE—Question, Lord Robert Cecil; Answer, Mr. Layard .. 861

SUPPLY—NAVY ESTIMATES—

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

DENMARK AND GERMANY — INTEGRITY OF THE DANISH MONARCHY — THE CORRESPONDENCE — Question, Mr. Disraeli; Reply, Mr. Chancellor of the Exchequer 862

Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "the Consideration of the Navy Estimates be postponed till this day three weeks,"—(*Mr. Osborne,*)—instead thereof 873

After long Debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided*:—Ayes 220, Noes 47; Majority 173:—Division List—Ayes and Noes 887

ADMIRALTY DOCK AT MALTA — Observations, Captain Talbot; Reply, Lord Clarence Paget:—Debate thereon 889

ROYAL COMMISSION ON DOCKYARDS — Observations, Mr. Lindsay: — long Debate thereon 903

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee:—Committee report Progress.

Railways Construction Facilities Bill—

Bill to facilitate, in certain cases, the obtaining of powers for the Construction of Railways, *presented,* and read 1°.* [Bill 29.]

Railway Companies' Powers Bill—

Bill to facilitate, in certain cases, the obtaining of further Powers by Railway Companies, *presented,* and read 1°.* [Bill 30.]

Summary Procedure (Scotland) Bill—

On Motion of *The Lord Advocate,* Bill to make provision for uniformity of Process in Summary Criminal Prosecutions, and prosecutions for penalties in the Inferior Courts in Scotland, *ordered** to be brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.

Court of Justiciary (Scotland) Bill—

On Motion of *The Lord Advocate,* Bill to provide for the alteration of the Circuits of the Court of Justiciary in Scotland, and for holding additional Circuit Courts, *ordered** to be brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.

House adjourned at half after Ten o'clock.

LORDS, TUESDAY, FEBRUARY 23.

PENAL SERVITUDE—MOTION FOR RETURNS—

Motion,

"That an humble Address be presented to Her Majesty for Returns of the Number of Convicts sentenced to Penal Servitude confined in Gaols other than Government Prisons in the years 1862 and 1863; and to ask the Government whether any and what Steps have been taken to carry out the Recommendations of the Commission on Penal Servitude."—(*The Marquess of Salisbury.*) 919

After Debate, Motion *agreed to.*

House adjourned at a quarter before Seven o'clock.

COMMONS, TUESDAY, FEBRUARY 23.

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MINUTES.]—PUBLIC BILLS—*First Reading*—Court of Justiciary (Scotland)* [Bill 31]; Summary Procedure (Scotland)* [Bill 32]; County Franchise [Bill 33]; Copyright* [Bill 34]. *Second Reading*—Warehousing of British Spirits [Bill 19]. *Considered as amended*—Insane Prisoners Act Amendment [Bill 4].

VACCINATION OF SHEEP—Question, Sir Jervoise Jervoise; Answer, Mr. Lowe .. 931

UNITED STATES — EXPORTATION OF TOBACCO FROM THE SOUTHERN STATES—Question, Sir Robert Clifton; Answer, Mr. Layard 931

COURT OF CHANCERY (IRELAND)—Question, Colonel Dickson; Answer, Mr. O'Hagan (The Attorney General for Ireland) 932

County Franchise Bill—

Moved, That leave be given to bring in a Bill to extend the Franchise in Counties in England and Wales.—(*Mr. Locke King.*) 933

After Debate, Motion *agreed to*:—Bill *ordered* to be *brought in* by Mr. Locke King and Mr. Hastings Russell:—Bill *presented*, and read 1°. [Bill 33.]

PUBLIC EXECUTIONS—

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of any Memorials, Correspondence, or other Papers relating to Public Executions."—(*Mr. Hibbert.*) 941

After Debate, Motion, by leave, *withdrawn*.

VESSELS "EL TOUSSON" AND "EL MONASSIA"—

Address *moved* for

"Copies of all Correspondence between the various Departments of Her Majesty's Government, or Officers in Her Majesty's service, and Messrs. Laird Brothers, relating to the two Iron-clad Vessels, the *El Tousson* and *El Monassia*, building by that firm, and seized by order of Her Majesty's Government; and of any Papers or Correspondence that have passed between Her Majesty's Government and the Government of the United States, or their representative, Mr. Adams, relating to the said vessels."—(*Mr. Seymour FitzGerald.*) 955

After long Debate, Question put:—The House *divided*; Ayes 153, Noes 78; Majority 25.

ECCLESIASTICAL COMMISSION—

After short Debate, Copy *ordered*,

"Of two Reports made to the Ecclesiastical Commissioners by the Estates Committee on the 4th and 18th days of February, 1864."—(*Mr. Walpole.*)—(*Parl. Paper*, 88.) 1021

Insane Prisoners Act Amendment Bill [Bill 4]—

After short Debate, Bill, as amended, *considered* 1021

Warehousing of British Spirits Bill [Bill 19]—

After short Debate, Bill read 2°, and *committed* for *Monday* next .. 1022

Copyright Bill—

On Motion of *Mr. Black*, Bill for the consolidation of the Acts relating to Copyright in works of Literature and the Fine Arts, *ordered* to be brought in by Mr. Black, Mr. Massey, and Mr. Stirling:—Bill *presented*, and read 1°.* [Bill 34.]

House adjourned at Twelve o'clock.

COMMONS, WEDNESDAY, FEBRUARY 24.

MINUTES.]—SELECT COMMITTEE—on Standing Orders, Mr. Paget *added*; On Poor Relief *nominated*. (See p. 1052-3).
PUBLIC BILLS — *Committee*—Malt for Cattle [Bill 6]—R.P. *Third Reading*—Insane Prisoners Act Amendment* [Bill 4], and *passed*. *Withdrawn*—Rents (Ireland) [Bill 1].

Rents (Ireland) Bill [Bill 1]—

On Motion of *Mr. Longfield*, Order for Second Reading read, and *discharged*; Bill *withdrawn*. 1024

Malt for Cattle Bill [Bill 6]—

Moved, "That Mr. Speaker do now leave the Chair:"—(*Mr. Chancellor of the Exchequer*) 1025

After long Debate, Motion *agreed to:* — Bill *considered* in Committee:— Committee report Progress.

House adjourned at a quarter after Three o'clock.

LORDS, THURSDAY, FEBRUARY 25.

MINUTES.]—Select Committee — on Opposed Private Bills, *appointed* and *nominated* (*see* page 1063).

Public Bill—*First Reading* — Insane Prisoners Act Amendment* (No. 14).

United States — The American Correspondence—Observations, The Earl of Derby:—Debate thereon 1053

Denmark and Germany—Integrity of the Danish Monarchy—The Correspondence—Question, The Earl of Malmesbury; Answer, Earl Russell .. 1061

Captain Melville Whyte's Case — Question, The Marquess of Clanricarde; Answer, Earl Russell 1063

Opposed Private Bills—

The Lords following—namely, L. Colville of Culross, L. Ponsonby, L. Colchester, L. Stanley of Alderley, were *appointed**, with the Chairman of Committees, a Committee to select and propose to the House the names of the Five Lords to form a Select Committee for the Consideration of each Opposed Private Bill.

House adjourned at a quarter before Six o'clock.

COMMONS, THURSDAY, FEBRUARY 25.

MINUTES.]—New Writ Issued—*for* Hertford County *v.* C. W. Giles Puller.

Select Committee—on Dockyards, *appointed* (*List of Committee. See* page 1158.)

Supply — *considered in Committee* — Navy Estimates—r.p.

Public Bills—*First Reading*—Grand Juries (Ireland)* [Bill 35]; Penal Servitude Acts Consolidation* [Bill 36].

Archway and Kentish Town Junction Road Bill (*by Order*)—

Motion made, and Question proposed, "That the Bill be now read a second time" 1063

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months."—(*Mr. Cox.*)

Question, "That the word 'now' stand part of the Question," put, and *negatived:* — Words *added:* — Main Question, as amended, put, and *agreed to:* —Bill *put off* for six months.

Army (East India)—Claims of Indian Officers — Question, Captain Jervis; Answer, Sir Charles Wood 1065

Egypt—The Suez Canal—Question, Mr. Roebuck; Answer, Mr. Layard .. 1066

Army (East India)—Indian Medical Service—Question, Mr. Leslie; Answer, Sir Charles Wood 1067

Education (Scotland)—Question, Mr. Leslie; Answer, The Lord Advocate .. 1067

The Westminster Palace Clock—Question, Mr. Packe; Answer, Mr. Cowper 1068

Government Buildings — Question, Mr. Alderman Salomons; Answer, Mr. Cowper 1068

Denmark and Germany—Proceedings of the Allies—Question, Mr. Darby Griffith; Answer, Viscount Palmerston 1068

Seizure of the "Tuscaloosa"—Questions, Mr. Peacocke, Lord Robert Cecil; Answer, Viscount Palmerston 1068

Laws of Jersey—Question, Mr. Sclater-Booth; Answer, Sir George Grey .. 1069

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Denmark and Germany—Blockade of the German Ports—Question, Mr. W. E. Forster; Answer, Mr. Layard 1069

Denmark and Germany—The Treaty of London—The Danish Papers—Question, Mr. MacEvoy; Answer, Mr. Layard 1070

India—Central India Prize Money—Question, Mr. Cox; Answer, Sir Charles Wood 1071

Denmark and Germany—The Proposed Conference—Questions, Mr. Darby Griffith, Lord John Manners; Answer, Viscount Palmerston .. 1071

Tickets-of-Leave, and Sentences of Penal Servitude—Question, Mr. Cave; Answer, Sir George Grey 1073

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Royal Dockyards Commission—The Report—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "In the opinion of this House the recommendations contained in the Report of the Commissioners appointed by Her Majesty in 1860 to inquire into the control and management of Her Majesty's Naval Yards ought to be carried into effect,"—(*Mr. Lindsay,*)—instead thereof 1073

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn.*

Cession of the Ionian Islands—Observations, Colonel Dunne; Reply, Mr. Chichester Fortescue:—Debate thereon 1082

Our Naval Force—Resolution—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the great changes in Naval warfare, and the critical state of our foreign relations, require the most vigorous and immediate national efforts, on a scale calculated to maintain the maritime supremacy of England,"—(*Sir John Walsh,*)—instead thereof 1088

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn.*

Affairs of Poland—Despatch of Prince Gortschakoff—Question, Mr. Hennessy; Answer, Viscount Palmerston 1101

Main Question put, and *agreed to.*

Supply—Navy Estimates—*considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That 71,950 Men and Boys be employed for the Sea and Coast Guard Services, for the year ending on the 31st day of March, 1865, including 18,000 Royal Marines,"—(*Lord Clarence Paget.*) 1103

After long Debate, Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again:" (*Mr. Lindsay:*)—Question put:—The Committee *divided;* Ayes 31, Noes 28; Majority 3:—

Committee report Progress.

Dockyards—

On Motion of *Lord Clarence Paget,* Select Committee *appointed* *,

"To inquire into and report upon the Basin and Dock Accommodation of the Royal Dockyards in the United Kingdom, and its sufficiency for the Public Service, having reference especially to the proposed extension of Her Majesty's Dockyard at Portsmouth."

And, on February 26, Select Committee *nominated* as follows:—

Sir Francis Baring, Sir John Pakington, Mr. Stansfeld, Sir John Hay, Mr. Baxter, Mr. Laird, Sir Morton Peto, Mr. George Bentinck, Sir Joseph Paxton, Mr. Corry, and Mr. Charles Berkeley:—Power to send for persons, papers, and records; Five to be the quorum.—And, on February 29, Mr. Leatham, Mr. Lawson, Sir James Elphinstone and Mr. Hennessy, *added.*

Grand Juries (Ireland) Bill—

On Motion of *Mr. Blake*, Bill to amend the Laws relating to Grand Juries in Ireland, *ordered* * to be brought in by Mr. Blake, Mr. M'Mahon, Mr. MacEvoy, and Mr. Maguire :—Bill *presented*, and read 1°. [Bill 35.]

Penal Servitude Acts Consolidation Bill—

On Motion of *Mr. Adderley*, Bill to consolidate the Penal Servitude Acts for England and Scotland, *ordered* * to be brought in by Mr. Adderley, Mr. Arthur Mills, and Major Cumming Bruce :—Bill *presented*, and read 1°. [Bill 36.]

House adjourned at a quarter after One o'clock.

LORDS, FRIDAY, FEBRUARY 26.

Chief Rents (Ireland) Bill [H.L.]—

A Bill to facilitate the Redemption of Chief Rents in Ireland—Was *presented* by the Viscount Hutchinson, and read 1ª.* (No. 15.)

Denmark and Germany—Invasion of Jutland—Question, The Earl of Malmesbury; Answer, Earl Russell 1158

United States—The American Correspondence—Explanation, Earl Granville 1160

Court-martial on Colonel Crawley—The Deputy Judge Advocate—Question, Lord Colville of Culross; Answer, Earl De Grey and Ripon :—long Debate thereon 1161

West Hartlepool Railway Directors—Questions, The Earl of Donoughmore; Answer, The Lord Chancellor 1179

House adjourned at a quarter before Seven o'clock.

COMMONS, FRIDAY, FEBRUARY 26.

MINUTES—Select Committee—On Taxation of Ireland *appointed* (*List of Members, March* 8); on Dockyards *nominated.*

Supply—*considered in Committee** — Committee—R.P.

Public Bills—*Second Reading*—Land Drainage (Provisional Orders)* [Bill 25]; Inclosure* [Bill 26]; County Courts (Ireland) [Bill 12].

Committee—Malt for Cattle [Bill 6]; Conveyancers (Ireland) [Bill 5].

Report—Malt for Cattle [Bill 37]; Conveyancers (Ireland).

Kertch Prize Money—Question, Sir John Hay; Answer, Lord Clarence Paget 1182

The Anglo-Chinese Fleet—Question, Colonel Sykes; Answer, Lord Clarence Paget 1182

Highways Act—Question, Colonel Wilson Patten; Answer, Sir George Grey .. 1183

Training Colleges—Question, Mr. Gathorne Hardy; Answer, Mr. Lowe .. 1184

China—Mr. Lay—Question, Mr. Leslie; Answer, Mr. Layard .. 1184

The Convict Townley—Question, Mr. Morritt; Answer, Sir George Grey .. 1185

Case of the "Tuscaloosa"—Question, Mr. Peacocke; Answer, Viscount Palmerston 1185

Bridge Street, Westminster—Question, Sir John Shelley; Answer, Mr. Cowper 1185

Dock at Malta—Question, Sir John Hay; Answer, Lord Clarence Paget .. 1186

Chain Cables—Proof Certificates—Question, Mr. Laird; Answer, Lord Clarence Paget 1187

New Zealand Loan—Question, Mr. Arthur Mills; Answer, Mr. Chichester Fortescue 1187

Business of the Evening—Observations, Mr. Bentinck; Reply, Viscount Palmerston 1188

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SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

DENMARK AND GERMANY—BASES OF THE PROPOSED CONFERENCE—Question, Mr. Seymour Fitzgerald; Answer, Viscount Palmerston 1189

DENMARK AND GERMANY—THE GERMAN DIET AND THE CONFERENCE—Question, Lord John Manners; Answer, Viscount Palmerston 1190

SLAVE TRADE—Question, Mr. Cave; Answer, Viscount Palmerston .. 1191

TAXATION OF IRELAND—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed, to consider the Taxation of Ireland, and how far it is in accordance with the provisions of the Treaty of Union, or just in reference to the resources of the Country,"—(*Colonel Dunne,*)—instead thereof 1199

After Debate, Question, "That the words proposed to be left out stand part of the Question," put, and *negatived:*—Words *added:*—Main Question, as amended, put, and *agreed to.*

Ordered,

That a Select Committee be appointed, to consider the Taxation of Ireland, and how far it is in accordance with the provisions of the Treaty of Union, or just in reference to the resources of the Country.—(*Colonel Dunne.*)

And, on Tuesday, March 8, Committee *nominated* as follows:—

Colonel Dunne, Sir Edward Grogan, Sir Frederick Heygate, Mr. Longfield, Mr. Hennessy, Mr. Monsell, Lord John Browne, The O'Conor Don, Lord Stanley, Sir Stafford Northcote, Mr. Howes, Mr. Finlay, Sir Robert Peel, and Mr. Lowe:—Power to send for persons, papers, and records; five to be the quorum.—And, on March 9, Mr. Hankey *added.*

UNITED STATES—ISLAND OF SAN JUAN—Observations, Mr. Haliburton .. 1217

Motion *agreed to.*

SUPPLY *considered* in Committee:—Committee report Progress.

Malt for CattleBill [Bill 37]—

Considered in Committee 1218

(In the Committee.)

Clause 1 (Malt may be made and used, free of Duty, in the Feeding of Animals.) Amendment (*Mr. Bentinck*): after short debate, Amendment, by leave, *withdrawn* .. 1218

Amendment, to insert in line 14, after "Malt house," the words "or with such other substance as may hereafter be approved by the said Commissioners;"—(*Mr. Caird;*) *agreed to.*

Clause *agreed to.*

Clauses 2, 3, and 4 *agreed to.*

Clause 5 (Maltster to provide a secure room for grinding and mixing Malt.)—Amendment (*Mr. Chancellor of the Exchequer*) *agreed to.*

Clause *agreed to.*

Clause 6 (Malt to be mixed with Linseed Cake or Meal, &c.)—Amendment, "one-fifth" in lieu of "one-tenth."—(*Sir John Hay.*) 1219

Amendment, by leave, *withdrawn:*—Clause *agreed to.*

Remaining Clauses *agreed to.*

New Clause (Permission to Agriculturists to Malt Barley)—"That it shall be lawful for all persons engaged in Agriculture to Malt Barley (according to the provisions of this Act) for the consumption of their own stock without taking out a Maltster's licence."—(*Sir Edward Dering.*) 1220

After Debate, Amendment, by leave, *withdrawn.*

Bill *reported*

Conveyancers, &c. (Ireland) Bill [Bill 5]—

Considered in Committee 1227

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Commissioners of Inland Revenue not to grant Certificates to Persons herein mentioned, except on their depositing Order from Benchers of King's Inns authorizing the same.)

Amendment, moved to add, at the end of Clause add—"Provided always, That all persons now or hereafter admitted to practise as barristers by one of the said four Inns of Court in England, shall be entitled to practise as barristers in Ireland; and all persons now or hereafter admitted to practise as barristers in Ireland by the said Society of King's Inn at Dublin shall be entitled to practise as barristers in England."—(*Mr. M'Mahon.*) 1227

After short Debate, Amendment *negatived.*

CONVEYANCERS, &c. (IRELAND) BILL—*continued.*

Amendment moved, to leave out in line 22 the words "at the date of the passing of this Act shall be legally acting," and insert "on the 11th day of January, 1864, was legally qualified and acting."—(*Mr. Attorney General for Ireland.*)
After short Debate, Amendment *agreed to.*
Clause 2, as amended, *agreed to.*
Clause 3 (Penalties on Persons acting as Attorneys, &c., unless qualified as herein mentioned.)
Clause *agreed to*:—Remaining clauses *agreed to.*

Bill *reported.*

County Courts (Ireland) Bill [Bill 12]—
After short Debate, Bill read 2º, and *committed* for *Friday* next. .. 1230

KERTCH PRIZE MONEY—
After short Debate, Return *ordered,*
"Of the names of the Flag Officers to whom the Kertch Grant has been distributed, with the proportions in which they share."—(*Sir John Hay.*) 1231

DOCKYARDS—NOMINATION OF COMMITTEE—
Select Committee *nominated*;—
Sir Francis Baring, Sir John Pakington, Mr. Stansfeld, Sir John Hay, Mr. Baxter, Mr. Laird, Sir Morton Peto, Mr. George Bentinck, Sir Joseph Paxton, Mr. Corry, and Mr. Charles Berkeley.—Power to send for persons, papers, and records.—Five to be the quorum.
Short Debate thereon 1235

House adjourned at a quarter before Twelve o'clock.

LORDS, MONDAY, FEBRUARY 29.

MINUTES.]—SELECT COMMITTEE—On Railway Schemes (Metropolis), Report *presented.* [No. 10].

PUBLIC BILL — *Second Reading* — Insane Prisoners Act Amendment Bill [No. 14].

AUGMENTATION OF BENEFICES ACT—Question, The Earl of Derby; Answer, The Lord Chancellor 1240

THE CONSPIRACY AGAINST THE EMPEROR OF THE FRENCH—Question, The Marquess of Westmeath; Answer, Earl Russell 1242

RAILWAY SCHEMES (METROPOLIS)—
Report from the Select Committee on Railway Schemes (Metropolis) *presented* (*The Lord President*)—Observations, Earl Granville 1243
Report to be *printed*; Minutes of Evidence, together with an Appendix, laid upon the Table, and to be *delivered out.* (No. 10.)

Insane Prisoners Act Amendment Bill (No. 14)—
Moved, "That the Bill be now read 2ª."—(*The Lord President.*) .. 1243
After short Debate, Motion *agreed to*; Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday*, the 8th of *March.*

House adjourned at a quarter past Six o'clock.

COMMONS, MONDAY, FEBRUARY 29.

MINUTES.]—SELECT COMMITTEE—On Poor Relief, Mr. Buller *added;* on Dockyards, Mr. Leatham, Mr. Lawson, Sir James Elphinstone, and Mr. Hennessy, *added;* Railway Schemes (Metropolis) (No. 87).
SUPPLY — *considered in Committee* — NAVY ESTIMATES.

PUBLIC BILLS—*First Reading*—Bills of Exchange and Promissory Notes (Ireland)* [Bill 38].
Committee—Vestry Cess Abolition [Bill 15].
Report—Vestry Cess Abolition [Bill 15].
Considered as amended—Malt for Cattle* [Bill 37]; Conveyancers, &c. (Ireland)* [Bill 5].

LANDS CLAUSES ACT—Question, Mr. Alcock; Answer, Mr. Milner Gibson .. 1249

LAW OF SETTLEMENT—Question, Mr. Alcock; Answer, Mr. C. P. Villiers .. 1249

ORDNANCE SURVEY—THE CIVIL ASSISTANTS — Question, Mr. Vance; Answer, Mr. Peel 1250

COAST AND DEEP SEA FISHERIES—Question, Mr. Blake; Answer, Mr. Caird .. 1250

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LUNATIC ASYLUMS (IRELAND)—Question, Colonel Greville; Answer, Sir Robert Peel 1250

CAPTAIN M'KILLOP'S COFFERDAM — Question, Sir John Hay; Answer, Lord Clarence Paget 1251

WAR STEAMER IN THE CLYDE — Question, Mr. Dalglish; Answer, Mr. Layard 1251

COUNSEL'S FEES IN PARLIAMENT—Questions, Sir William Miles, Mr. Hadfield; Answer, Mr. Milner Gibson 1252

THE FINANCIAL STATEMENT — Question, Mr. Goddard; Answers, Sir George Grey, The Chancellor of the Exchequer 1254

TELEGRAPHIC DESPATCHES — Question, Mr. Darby Griffith; Answer, Mr. Layard 1254

M. MAZZINI—THE GRECO CONSPIRACY — Question, Mr. Cox; Answer, Mr. Stansfeld 1255

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Hennessy.*)

DENMARK AND GERMANY — RELATIONS WITH THE EUROPEAN POWERS—Question, Mr. Disraeli; Answer, Viscount Palmerston .. 1260

Motion for Adjournment, by leave, *withdrawn.*

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

CHURCH AND SCHOOLS AT BROMPTON — Question, Sir Frederic Smith; Answer, Lord Clarence Paget 1277

Motion *agreed to.*

SUPPLY *considered* in Committee—NAVY ESTIMATES 1280

(In the Committee.)

(1.) Original Question again proposed,

"That 71,950 Men and Boys be employed for the Sea and Coast Guard Services, for the year ending on the 31st day of March, 1865, including 18,000 Royal Marines."

Question put, and *agreed to.*

(2.) £2,874,647, Wages. 1280

After Debate, Vote *agreed to.*

(3.) £1,304,119, Victuals and Clothing.

Vote *agreed to.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £168,605, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1865" ... 1302

Motion made, and Question proposed,

"That a sum, not exceeding £163,405, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1865."—(*Mr. Lindsay.*)

After Debate, Question put:—The Committee *divided;* Ayes 10, Noes 109; Majority 99.

Original Question put, and *agreed to.*

(5.) £300,718, Coast Guard Service, &c. 1307

After short Debate, Vote *agreed to.*

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £71,276, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the several Scientific Departments of the Navy which will come in course of payment during the year ending on the 31st day of March, 1865" 1307

Motion made, and Question put,

"That the Item of £2,300, for School of Naval Architecture, and maintenance of Students in the same, be omitted from the proposed Vote."—(*Mr. Augustus Smith.*)

After Debate, the Committee *divided;* Ayes 15, Noes 100; Majority 85.

Original Question put, and *agreed to.*

NAVY ESTIMATES—*continued.*
(7.) £192,574, Naval Establishments at Home 1314
After short Debate, Vote *agreed to.*
(8.) £37,666 Naval Establishments Abroad,
Vote *agreed to.*
Resolutions to be reported *To-morrow.*

Vestry Cess Abolition (Ireland) Bill [Bill 15]—
Bill *considered* in Committee 1316
Bill *reported*; as amended, to be considered *To-morrow.*

POOR RELIEF COMMITTEE—
After short Debate, *ordered,* "That Mr. Buller be added to the Select Committee on Poor Relief." 1316

DOCKYARDS COMMITTEE—
On the Motion of *Lord Clarence Paget,* Mr. Leatham, Mr. Lawson, Sir James Elphinstone, and Mr. Hennessy were added to the Select Committee on Dockyards.

Bills of Exchange and Promissory Notes (Ireland) Bill—
On Motion of *Sir Robert Peel,* Bill to amend the Law relating to Bills of Exchange and Promissory Notes in Ireland, *ordered* * to be brought in by Sir Robert Peel and Mr. Attorney General for Ireland:—Bill *presented,* and read 1°. [Bill 38.]

House adjourned at Twelve o'clock.

LORDS, TUESDAY, MARCH 1.

SAT FIRST IN PARLIAMENT—The Earl STRANGE, after the Death of his Father.

BORROWING POWERS OF RAILWAY COMPANIES—Question, The Earl of Donoughmore; Answer, Earl Granville 1317

UNITED STATES — NORTH AMERICAN ARMY — FEDERAL RECRUITING IN IRELAND,
Address for
"Copies of any Reports that may have been received by Her Majesty's Government respecting recruiting in Ireland for the North American army."—(*The Marquess of Clanricarde.*) 1317
After Debate, Motion *withdrawn.*

House adjourned at half past Six o'clock.

COMMONS, TUESDAY, MARCH 1.

MINUTES.]—SELECT COMMITTEE—Controverted Elections, Chairmen's Panel, Edward Howes, esq. *v.* George Ward Hunt, esq., *discharged.*
PUBLIC BILLS — *Ordered* — Naval Prize*; Naval Agency and Distribution*; Naval Prize Acts Repeal*; Marine Mutiny *.
Second Reading—Court of Justiciary (Scotland)* [Bill 31].
Considered as amended—Vestry Cess Abolition (Ireland)* [Bill 15].
Third Reading—Malt for Cattle* [Bill 37]; Conveyancers, &c. (Ireland)* [Bill 5].

CONSOLIDATION OF POOR LAW — Question, Mr. Hibbert; Answer, Mr. C. P. Villiers 1333

UNITED STATES—SEIZURE OF THE BARQUE "SCIENCE"—Question, Mr. Hassard; Answer, Mr. Layard 1334

MR. WHITWORTH'S GUNS—Question, Major Gavin; Answer, The Marquess of Hartington 1334

DENMARK AND GERMANY—THE CORRESPONDENCE—Question, Mr. Darby Griffith; Answer, Mr. Layard 1335

THE ARMY ESTIMATES—Question, Lord Hotham; Answer, The Marquess of Hartington 1336

TELEGRAPHIC DESPATCHES—Question, Mr. Darby Griffith; Answer, Mr. Layard 1337

CIVIL SERVICE AND MISCELLANEOUS ESTIMATES—

Motion made, and Question proposed, "That the Civil Service and Miscellaneous Estimates have been for many years rapidly increasing, and ought to be reduced."—(*Mr. Marsh.*) 1338

After Debate, Motion, by leave, *withdrawn.*

HARBOURS OF REFUGE—Observations, The Chancellor of the Exchequer; Reply, Mr. Lindsay 1359

AFFAIRS OF CHINA—Observations, Mr. Liddell 1359

House adjourned at Seven o'clock.

COMMONS, WEDNESDAY, MARCH 2.

MINUTES]—NEW MEMBER SWORN — John Floyer, esquire, *for* Dorset.

SELECT COMMITTEE—On Poor Relief, Sir William Miles *added.*

PUBLIC BILLS—*First Reading—*Naval Agency and Distribution* [Bill 39]; Naval Prize Acts Repeal* [Bill 40]; Naval Prize* [Bill 41.]

*Referred to Select Committee—*Chain Cables and Anchors [Bill 9.] (*List of Committee.*)

*Committee—*Chain Cables and Anchors *negatived.*

Chain Cables and Anchors Bill [Bill 9]—

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Laird.*) 1360

Amendment proposed,

"To leave out from the word "That," to the end of the Question, in order to add the words "The Bill be committed to a Select Committee,"—(*Mr. Milner Gibson,*) instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put and *negatived:—*Words *added:—*Main Question, as amended, put, and *agreed to.*

Ordered, "That the Bill be committed to a Select Committee."

And, on March 9, Committee *nominated* as follows:—

Mr. Laird, Mr. Milner Gibson, Sir James Elphinstone, Sir Frederic Smith, Mr. George Bentinck, Mr. Crawford, Mr. Richard Hodgson, Mr. Jackson, and Mr. Lindsay.—Power to send for persons, papers, and records; Five to be the quorum.

Naval Agency and Distribution Bill—

On Motion of *Lord Clarence Paget,* Bill to provide for the appointment, duties, and remuneration of Agents for Ships of War, and for the distribution of Salvage, Bounty, Prize, and other Money among the officers and crews thereof, *presented,* and read 1°.* [Bill 39.]

Naval Prize Acts Repeal Bill—

On Motion of *Lord Clarence Paget,* Bill to repeal enactments relating to Naval Prize of War, and matters connected therewith, or with the discipline or management of the Navy, *presented,* and read 1°.* [Bill 40.]

Naval Prize Bill—

On Motion of *Lord Clarence Paget,* Bill for regulating Naval Prize of War, *presented,* and read 1°.* [Bill 41.]

House adjourned at a quarter before One o'clock.

LORDS, THURSDAY, MARCH 3.

MINUTES.]—PUBLIC BILLS—*First Reading* —Malt for Animals* (No. 16); Conveyancers, &c. (Ireland)* (No. 17.)

*Second Reading—*Chief Rents (Ireland)* (No. 15)—H.L.

The House met, and having gone through the business on the paper, without debate,

House adjourned at a quarter past Five o'clock.

COMMONS, THURSDAY, MARCH 3.

MINUTES.]—Select Committee — Railway Companies Powers *nominated.* (See p. 300.) Supply — *considered in Committee* — Army Estimates. Public Bills—*First Reading*—Metropolitan Subways* [Bill 42]. *Second Reading*—Bills of Exchange and Promissory Notes (Ireland)* [Bill 38.] *Committee* — (*on re-comm.*) — Vestry Cess Abolition (Ireland)* [Bill 15], *re-comm., considered, reported,* and *considered as amended.* *Third Reading*—Sir John Lawrence's Salary* [Bill 10], and *passed;* Vestry Cess Abolition (Ireland)* [Bill 15], and *passed.*

India—A Gold Currency—Questions, Colonel Sykes, Mr. Vansittart; Answer, Sir Charles Wood 1364

United States—Capture of the "Saxon"—Question, Lord Robert Montagu; Answer, The Attorney General 1365

General Post Office — Transmission of Letters on Sunday — Question, Mr. Hopwood; Answer, Mr. Peel 1365

Assaults with Knives—Question, Mr. Horsfall; Answer, Sir George Grey .. 1366

Contracts for Gunboats — Question, Mr. Ferrand; Answer, Lord Clarence Paget 1366

New Zealand—Correspondence—Question, Mr. Arthur Mills; Answer, Mr. Chichester Fortescue 1367

Court Martial on Colonel Crawley — Question, Mr. Dudley Fortescue; Answer, The Marquess of Hartington:—Debate thereon 1367

Government Annuities Bill—Question, Mr. Crawford; Answer, The Chancellor of the Exchequer 1369

Debate on Kagosima—Admiral Lambert—Explanation, Mr. Buxton .. 1370

SUPPLY — Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Reduction of the Army—Observations, Viscount Palmerston; Reply, Mr. H. Baillie 1370

The Yeomanry Cavalry—Amendment proposed,

"To leave out from the word "That" to the end of the Question, in order to add the words "The discontinuance in the present year of the assembling of the Yeomanry Cavalry for the accustomed period of six days' training on permanent duty, would be detrimental to the efficiency of the Force, and contrary to the recommendation of the Committee appointed by Lord Herbert in the year 1861, and is inexpedient,"—(*Colonel Edwards,*)—instead thereof 1376

After Debate, Question put, "That the words proposed to be left out stand part of the Question:" — The House *divided;* Ayes 158, Noes 157; Majority 1.

Report of the Inspectors of Constabulary — Police Spy System— Question, Mr. Roebuck; Answer, Sir George Grey 1388

The Controller of the Navy and the Devonport Election — Question, Mr. Ferrand; Answer, Lord Clarence Paget:—Debate thereon .. 1392

Army—Instruction of Soldiers in Trades—

Sir Harry Verney, to move Resolution,

"That it is expedient that the recommendations contained in the Report of the Committee on the proper means for the Instruction and Employment of Soldiers and their Children in Trades, and of the Under Secretary of State in a letter to the Quartermaster General, Horse Guards, dated 23rd May, 1862, be carried into effect" 1414

Motion not proposed, not being in Order.

Main Question put, and *agreed to.*
Supply *considered* in Committee:—Army Estimates—

(In the Committee.)

Statement of *The Marquess of Hartington,* Under Secretary of State for War, on moving the First Resolution 1416

SUPPLY—ARMY ESTIMATES—*continued.*

After long Debate, Resolution *agreed to.*

"146,766 Land Forces (including 9,947, all ranks, to be employed with the Depôts in the United Kingdom of Great Britain and Ireland, of Regiments serving in Her Majesty's Indian Possessions, but exclusive of the numbers actually serving within Her Majesty's Indian Possessions)."

Resolution to be reported *To-morrow.*

House adjourned at half after Twelve o'clock.

LORDS, FRIDAY, MARCH 4.

MINUTES.]—*Sat First in Parliament*—The Marquess of Lansdowne, after the Death of his Father.

PUBLIC BILLS — *First Reading* — Court of Chancery (Despatch of Business) H.L. (No. 18); Vestry Cess Abolition (Ireland)* (No. 19); Sir John Lawrence's Salary* (No. 20).

Court of Chancery (Despatch of Business) Bill—

Bill for making further and better Provision for the more effectual Despatch of Business in the High Court of Chancery—*presented* by The Lord Chancellor; and, after short Debate, read 1ª. (No. 18.) 1452

House adjourned at a quarter past Five o'clock.

COMMONS, FRIDAY, MARCH 4.

MINUTES.]—SELECT COMMITTEE — *Report* —Committee of Selection, *Second Report* (No. 62).

SUPPLY — *considered in Committee* — ARMY ESTIMATES—R.P.

Resolution [March 3] *reported.*

PUBLIC BILLS — *First Reading* — Mutiny*; Marine Mutiny*.

Second Reading — Penal Servitude Acts Amendment [Bill 23].

Committee — Inclosure* [Bill 26]; Government Annuities [Bill 11], *Debate Adjourned.*

Report—Inclosure*.

SERVICES OF CAPTAIN SPEKE — Questions, Sir William Miles, Mr. Newdegate; Answer, Viscount Palmerston 1453

THE JEWS IN MOROCCO — Question, Mr. Alderman Salomons; Answer, Mr. Layard 1454

CATTLE DISEASES PREVENTION BILL—Question, Sir Michael Stewart; Answer, Mr. H. A. Bruce 1455

GALWAY PACKET SERVICE—Question, Mr. Baxter; Answer, Mr. Peel .. 1455

VACCINATION—Question, Mr. Baines; Answer, Mr. Lowe 1457

GRAND JURIES BILL—Question, Colonel Forde; Answer, Mr. Blake .. 1457

LEGISLATION OF SOUTH AUSTRALIA — Question, Mr. Childers; Answer, Mr. Chichester Fortescue 1457

CHAIN CABLES AND ANCHORS—MESSRS. BROWN, LENNOX & CO.—Question, Mr. Laird; Answer, Lord Clarence Paget 1458

AUSTRIA AND THE ZOLLVEREIN — Question, Mr. Seymour Fitzgerald; Answer, Mr. Milner Gibson 1458

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

STAMP ON PROXY PAPERS—Amendment proposed,

"To leave out from the word 'That,' to the end of the Question, in order to add the words "the Stamp on Proxy Papers, used for the purpose of voting in Public Companies, Associations, and Charities, being a Tax which impedes the exercise of a franchise, might conveniently be reduced to one penny,"—(*Mr. Darby Griffith,*)—instead thereof 1459

Question proposed, "That the words proposed to be left out stand part of the Question."

After short Debate, Amendment, by leave, *withdrawn.*

UNITED STATES — DETENTION OF THE "TUSCALOOSA" — Observations, Mr. Peacocke; Reply, The Attorney General 1462

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SUPPLY—Order for Committee—*continued.*

CHINA—SOOCHOW—Observations, Colonel Sykes; Reply, Viscount Palmerston: —Debate thereon 1463

UNITED STATES—THE CONFEDERATE CRUISERS—Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of any Correspondence between Her Majesty's Government and the Agents of the Confederate States of America, relative to the building and equipment of ships of war in this country,"—*Mr. G. Shaw Lefevre*,)—instead thereof. 1475

Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Amendment, by leave, *withdrawn.*

THE ISLAND OF SAN JUAN—Observations, Mr. Haliburton; Answer, Mr. Layard 1495

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee:—Commitee report Progress.

Penal Servitude Acts Amendment Bill [Bill 23]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir George Grey*) 1496

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Adderley.*)

Question proposed, "That the word 'now' stand part of the Question."

After long Debate, Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to*: — Bill read 2°; and *committed* for *Friday* next.

Government Annuities Bill [Bill 11]—

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair." 1526

After Debate, Debate *adjourned* till *Monday* next.

House adjourned at One o'clock.

LORDS, MONDAY, MARCH 7.

MINUTES.]—SELECT COMMITTEE—*Report*—Railway Schemes (Metropolis).

PUBLIC BILLS—*First Reading*—Punishment of Rape, H.L. (No. 22); Turnpike Roads*, H.L. (No. 24).

Second Reading—Sir John Lawrence's Salary (No. 20).

Punishment of Rape Bill—

A Bill for the Amendment of the Law in Cases of Rape, *presented* (the Marquess of Westmeath), and, after short Debate, read 1ª, and to be *printed.* [No. 22.] 1529

KERTCH AND YENIKALE PRIZE MONEY—Question, Lord Chelmsford; Answer, The Duke of Somerset:—Observations thereon 1530

Sir John Lawrence's Salary Bill (No. 20)—

After short Debate, Bill read 2ª, and *committed* to a Committee of the Whole House 1539

RAILWAY SCHEMES (METROPOLIS)—REPORT OF THE SELECT COMMITTEE—Report of the Select Committee on Railway Schemes within the Limits of the Metropolis *considered* 1540

Moved,

"That the following Bills be not proceeded with in the present Session—namely, Victoria Station and Thames Embankment Railway, Oxford Street and City Railway, London Main Trunk Underground Railway, Charing Cross (Northern) Railway, Charing Cross (Western) Railway, Tottenham and Hampstead Junction Railway (Extension to Charing Cross), London Union Railways, and Tottenham and Farringdon Street Railway."—(*Earl Granville.*)

After short Debate, Motion *agreed to.*

RAILWAY SCHEMES (METROPOLIS)—*continued.*

Ordered,

"That the Fees which have been incurred in respect of the said Bills be remitted."

Ordered,

"That the said Report be referred to all Select Committees to which any Railway Bills within the Limits of the Metropolis may be referred in the present Session."—(*The Lord President.*)

House adjourned at half past Six o'clock.

COMMONS, MONDAY MARCH 7.

MINUTES.]—SELECT COMMITTEE—On Public Accounts *nominated)**. (*List of Committee.*)

PUBLIC BILLS—*First Reading*—Common Law Procedure (Ireland) Act (1853) Amendment* [Bill 43].

Second Reading—Mutiny*; Marine Mutiny*.

Committee—Government Annuities [Bill 11], *Debate resumed, and further adjourned;* Warehousing of British Spirits [Bill 19], R.P.; Land Drainage (Provisional Orders)* [Bill 25]; Bills of Exchange and Promissory Notes (Ireland)* [Bill 38].

Report—Land Drainage (Provisional Orders)*; Bills of Exchange and Promissory Notes (Ireland)*.

Considered as amended—Inclosure* [Bill 26].

AFFAIRS OF CHINA—Question, Mr. Liddell; Answer, Mr. Layard, Viscount Palmerston 1543

UNITED STATES—CONFEDERATE CRUISERS—Question, Mr. R. Long; Answer, The Attorney General 1544

THE "PAMPERO"—Question, Mr. Dalglish; Answer, Mr. Layard .. 1544

GREENWICH HOSPITAL—Question, Sir John Hay; Answer, Lord Clarence Paget 1545

DENMARK AND GERMANY — INVASION OF JUTLAND — Question, Mr. Disraeli; Answer, Viscount Palmerston 1545

DENMARK AND GERMANY — INTEGRITY OF THE DANISH MONARCHY — THE FRANKFORT DIET AND THE CONFERENCE—Questions, Sir Charles Douglas, Lord John Manners, and Mr. Seymour Fitzgerald; Answer, Viscount Palmerston 1547

Government Annuities Bill [Bill 11]—

Order read, for resuming Adjourned Debate, on Question [4th March], "That Mr. Speaker do now leave the Chair" 1548

Question again proposed:—Debate *resumed.*

After long Debate, Debate *further adjourned* till *Thursday*, 17th March.

Warehousing of British Spirits Bill [Bill 19]—

Motion made, and Question proposed,

"That it be an Instruction to the Committee on the Bill, that they have power to provide for the Amendment of the Law relating to the Warehousing of Foreign Spirits."—(*Mr. Lygon.*) 1613

Motion, by leave, *withdrawn:*—Bill *considered* in Committee:—Committee report Progress.

PUBLIC ACCOUNTS — Committee on Public Accounts *nominated:* — Mr. Walpole, Mr. Edward Pleydell Bouverie, Sir Henry Wiloughby, Mr. Goschen, Mr. Howes, Mr. Peel, Sir Stafford Northcote, Mr. Cobden, and Mr. Pollard-Urquhart.

House adjourned at Eleven o'clock.

LORDS, TUESDAY, MARCH 8.

MINUTES.]—PUBLIC BILL—Sir John Lawrence's Salary (No. 10), *considered* in Committee and *reported**.

DENMARK AND GERMANY — INVASION OF DENMARK — THE CORRESPONDENCE — Question, The Earl of Derby; Answer, Earl Russell — Observations thereon 1615

CURTIS'S STEERING SCREW—PROPELLING AND STEERING STEAM SHIPS—Petition from Mr. W. J. Curtis, *presented,* (*The Earl of Hardwicke,*)—Observations, The Duke of Somerset 1622

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RESIGNATION OF SIR ROWLAND HILL — Question, Lord Truro; Answer, Lord Stanley of Alderley 1626

THE AUSTRIAN FLEET IN THE BALTIC — Question, The Earl of Shaftesbury; Answer, Earl Russell:—Observations thereon 1627

House adjourned at half past Six o'clock.

COMMONS, TUESDAY, MARCH 8.

MINUTES.]—SELECT COMMITTEE—On Turnpike Trusts, *appointed* (*List of the Committee*); Schools of Art, *appointed* (*List of the Committee*); Taxation (Ireland), *nominated* (*List of the Committee, see* page 1217).

PUBLIC BILLS — *Committee* — Court of Justiciary (Scotland) [Bill 31]—R.P.

Considered as amended—Land Drainage (Provisional Orders)* [Bill 25].

Third Reading—Inclosure* [Bill 26]; Bills of Exchange and Promissory Notes (Ireland)* [Bill 38].

London, Brighton, and South Coast Railway (Additional Powers) Bill—

Motion made, and Question proposed, "That the Bill be now read a second time" 1633

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months."—(*Mr. Tite.*)

After short Debate, Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put and *agreed to*:—Bill read 2°, and *committed.*

RAILWAY SCHEMES (METROPOLIS)—

Motion made, and Question proposed,

"That the following Bills be not proceeded with in the present Session—namely, Victoria Station and Thames Embankment Railway, Oxford Street and City Railway, London Main Trunk Underground Railway, Charing Cross (Northern) Railway, Charing Cross (Western) Railway, Tottenham and Hampstead Junction Railway (Extension to Charing Cross), London Union Railways, Tottenham and Farringdon Street Railway." —(*Mr. Milner Gibson*) 1634

Amendment proposed, after the words "London Main Trunk Underground Railway," to insert the words "except Schemes Nos. 1 and 2."—(*Mr. Ayrton*) 1640

Question, "That those words be there inserted," put, and *negatived.*

Amendment proposed, to leave out the words "Charing Cross (Western) Railway."—(*Sir Joseph Paxton.*) 1642

Question "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Amendment proposed,

At the end of the Question, to add the words "and so much of the Metropolitan District Railways Bill, No. 33, as refers to the proposed works situated to the eastward of Blackfriars Bridge, together with the Metropolitan District Railways Bill, No. 34."—(*Mr. Crawford*) 1644

Question put, "That those words be there added:"—The House *divided;* Ayes 76, Noes 277; Majority 201:—Main Question put, and *agreed to.*

Ordered,

"That the following Bills be not proceeded with in the present Session—namely, Victoria Station and Thames Embankment Railway, Oxford Street and City Railway, London Main Trunk Underground Railway, Charing Cross (Northern) Railway, Charing Cross (Western) Railway, Tottenham and Hampstead Junction Railway (Extension to Charing Cross), London Union Railways, Tottenham and Farringdon Street Railway."

Ordered,

"That the fees which have been incurred in respect of the said Bills be remitted."

Ordered,

"That the Report of the Joint Committee of Lords and Commons on Railway Schemes (Metropolis) be referred to all Select Committees to whom any Railway Bills within the limits of the Metropolis may be referred."—(*Mr. Milner Gibson.*)

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The Mutiny Act—Question, Colonel North; Answer, Mr. Headlam .. 1648

Army—New Brigade of Horse Artillery—Question, Colonel North; Answer, The Marquess of Hartington 1649

Mhow Court Martial—Case of Paymaster Smales—Questions, Sir James Fergusson; Answers, Mr. Headlam, The Marquess of Hartington .. 1649

Government Telegrams — Question, Mr. Darby Griffith; Answer, Mr. Layard 1652

Denmark and Germany—Answer of Prince Gortschakoff—Question, Mr. Hunt; Answer, Viscount Palmerston 1654

Fees to Parliamentary Counsel—Question, Colonel Wilson Patten; Answer, Mr. Milner Gibson 1654

Court Martial on Colonel Crawley — Question, Mr. Dudley Fortescue; Answers, The Marquess of Hartington, Mr. Headlam 1655

Denmark and Germany—The Correspondence Papers—Question, Mr. Disraeli; Answer, Viscount Palmerston 1657

The Easter Recess—Notice, Viscount Palmerston 1658

Government Annuities Bill (Mr. H. B. Sheridan)—British Provident Society—Personal Explanation, Mr. H. B. Sheridan 1658

Education—

Motion made, and Question proposed,

That Grants made from the Treasury to Schools for the working classes should not, in every case, be reduced by the whole amount of all endowments.—(*Mr. Adderley*) .. 1659

After long Debate, Motion *agreed to.*

Resolved, That Grants made from the Treasury to Schools for the working classes should not, in every case, be reduced by the whole amount of all endowment.

Turnpike Trusts—

On Motion of *Mr. George Clive*—

Select Committee *appointed,*

"To inquire into the expediency and practicability of abolishing Turnpike Trusts" .. 1699

And on April 5, Select Committee *nominated* as follows:—

Mr. Bruce, Colonel Hussey Packe, Mr. Alcock, Mr. Fenwick, Mr. Mildmay, Mr. Wrightson, Lord Henley, Mr. Dodson, Mr. Clive, Colonel Pennant, Colonel Barttelot, Colonel Smyth, Mr. Sclater-Booth, Colonel Stuart (Bedford), Sir James Fergusson, Sir William Jolliffe, Colonel Gilpin, Mr. Walter, Colonel French, Mr. William Legh, and Mr. Western. —Power to send for persons, papers, and records.—Five to be the quorum.

Instruction to the Committee, That they do limit their inquiry to the Turnpike Trusts of England and Wales.

Protocol of Warsaw and Treaty of London—

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of Papers dated in the years 1850, 1851, 1852, or 1853, relating to the Protocol of Warsaw, or to the Treaty of London of the 8th day of May 1852."—(*Mr. Kinglake.*) 1699

After short Debate, Motion, by leave, *withdrawn.*

Schools of Art—On Motion of *Sir Stafford Northcote*—

Select Committee *appointed,*

"To inquire into the constitution and working, and into the success, of the Schools of Art wholly or partially supported by Government Grants, or otherwise assisted by the Government, and into the system upon which the sums granted by Parliament for the promotion of National Education in Art are distributed and administered."—(*Sir Stafford Northcote.*)

And on March 16, Committee *nominated* as follows:—

Sir Stafford Northcote, Mr. Lowe, Mr. Adderley, Mr. Edward Egerton, Mr. Tite, Mr. William Ewart, Mr. Bazley, Mr. Trefusis, Mr. Cave, Mr. Maguire, Mr. Gregson, Mr. Arthur Mills, Mr. Crum-Ewing, and Mr. Potter.—Power to send for persons, papers, and records.—Five to be the quorum.

Court of Justiciary (Scotland) Bill [Bill 31]—

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir William Dunbar.*) 1704

After short Debate, The House *divided;* Ayes 84, Noes 49; Majority 35:—Bill *considered* in Committee.

Motion to report Progress (*Sir John Hay*).

Motion *agreed to* :—Committee report Progress; to sit again on *Monday* next.

House adjourned at a quarter before Twelve o'clock.

COMMONS, WEDNESDAY, MARCH 9.

MINUTES.]—Select Committee — Lisburn Election Petition, *nominated* (*List of Committee*); Berwick-upon-Tweed Election Petition, *nominated* (*List of Committee*); on Poor Relief, Mr. Ayrton *added;* on Taxation (Ireland), Mr. Hankey *added.*

Public Bills—*Second Reading* — Trespass (Ireland) [Bill 13]; Weights and Measures (Metric System) [Bill 24]; Cattle Diseases Prevention [Bill 27]; Cattle, &c. Importation [Bill 28.]

Select Committee—On Chain Cables and Anchors* *nominated* (*List of Committee*, p. 1363).

Third Reading—Land Drainage (Provisional Orders)* [Bill 25].

Withdrawn—Watching of Towns (Ireland) [Bill 22].

Lisburn Election Petition—

Sir William Miles *reported* from the General Committee of Elections, the names of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the Borough of Lisburn:—William Edward Forster, esquire; Frederick North, esquire, (Hastings); Henry Paull, esquire; William Stirling, esquire; Hugh Edward Adair, esquire, Chairman.

Berwick-upon-Tweed Election Petition—

Sir William Miles *reported* from the General Committee of Elections, the names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of Berwick-upon-Tweed:—The Honourable F. Leveson Gower; William Pollard-Urquhart, esquire; James Banks Stanhope, esquire; Charles Turner, esquire, (Lancashire); Robert Longfield, esquire, Chairman.

Report to lie upon the Table.

Trespass (Ireland) Bill [Bill 13]—

Moved, "That the Bill be now read a second time."—(*Mr. W. R. O. Gore.*) 1705

After short Debate, Bill read 2°, and *committed* for *Wednesday*, 13th April.

Watching of Towns (Ireland) Bill [Bill 22]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Hervey Bruce.*) 1706

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Brady.*)

Question proposed, "That the word 'now' stand part of the Question."

After long Debate, Amendment, and Motion, by leave, *withdrawn* :—Bill *withdrawn.*

Weights and Measures (Metric System) Bill [Bill 24]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. W. Ewart.*) 1721

After long Debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 90, Noes 52; Majority 38.

Main Question put, and *agreed to* :—Bill read 2°, and *committed* for *Wednesday*, 4th May.

Cattle Diseases Prevention Bill [Bill 27]—**Cattle, &c., Importation Bill** [Bill 28]—

Motion made, and Question proposed, "That the Cattle Diseases Prevention Bill be now read the second time."—(*Mr. H. A. Bruce.*) 1740

CATTLE DISEASES PREVENTION BILL—*continued.*

After long Debate, Motion *agreed to*:—Bill read 2°; and Cattle, &c., Importation Bill read 2°; both Bills *committed* to a Select Committee:—And on March 18, Committee *nominated* as follows:—

Mr. Bruce, Lord Naas, Mr. Caird, Mr. Leader, Mr. Miller, Mr. Leslie, Mr. Hodgkinson, Mr. Hunt, Mr. Thompson, Colonel Barttelot, Mr. Holland, Mr. Bentinck, Mr. Cox, Sir William Miles, Mr. Alderman Salomons, Mr. Algernon Egerton, and Sir Thomas Burke.—Power to send for persons, papers, and records.—Five to be the quorum.—And, on April 8, Mr. Joseph Ewart and Mr. Beecroft *added.*

House adjourned at Ten minutes before Six o'clock.

LORDS, THURSDAY, MARCH 10.

MINUTES.]—PUBLIC BILLS—*First Reading*—Inclosure* (No. 25); Bills of Exchange and Promissory Notes (Ireland)* (No. 26); Land Drainage (Provisional Orders)* (No. 27). *Committee*—Chief Rents (Ireland)* (No. 15). *Report*—Chief Rents (Ireland) (No. 15). *Third Reading*—Sir John Lawrence's Salary* (No. 10).

LEGAL PROCESS—

Petition of the Mayor, Aldermen, and Burgesses of Carlisle complaining of the difficulties entailed by the unsatisfactory state of the law affecting the commencement of legal proceedings, where the subject-matter of dispute lay partly in England and partly in Scotland 1754

Petition read, and ordered to lie on the Table.

House adjourned at half past Five o'clock.

COMMONS, THURSDAY, MARCH 10.

MINUTES.]—SUPPLY—*considered in Committee*—NAVY ESTIMATES.
WAYS AND MEANS—*considered in Committee.*
PUBLIC BILLS—*Resolution in Committee*—Intoxicating Liquors.
First Reading—Intoxicating Liquors [Bill 44].
Committee—Mutiny; Marine Mutiny*.
Report—Mutiny; Marine Mutiny*.

GAOL DIETARY—Question, Mr. Buxton; Answer, Sir George Grey .. 1754

THE NORFOLK RIFLE VOLUNTEERS—Question, Mr. Bentinck; Answer, The Marquess of Hartington 1755

SUB-INSPECTORS OF FACTORIES—Question, Lord John Manners; Answer, Sir George Grey 1756

CONCENTRATION OF THE COURTS OF JUSTICE—Question, Mr. Arthur Mills; Answer, Mr. Cowper 1756

GUNNERY INSTRUCTORS—Question, Mr. Tracy; Answer, Lord Clarence Paget .. 1756

STOREKEEPER'S DEPARTMENT, PIMLICO—Question, Sir Robert Clifton; Answer, The Marquess of Hartington 1757

NAVY—ARMOUR-PLATED SHIPS—Question, Mr. Laird; Answer, Lord Clarence Paget 1757

CASES OF STARVATION IN THE METROPOLIS—Question, Lord Robert Cecil; Answer, Sir George Grey 1758

STIPEND OF THE REGIUS PROFESSOR OF GREEK AT OXFORD—Question, Mr. G. Clive; Answer, The Chancellor of the Exchequer 1758

PENAL SERVITUDE ACTS AMENDMENT BILL—Question, Sir John Pakington; Answer, Sir George Grey 1758

NAVY—THE CHANNEL FLEET—Question, Mr. Ker; Answer, Lord Clarence Paget 1759

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

BRITISH PROVIDENT SOCIETY—(MR. H. B. SHERIDAN.)—Personal Explanation, Mr. H. B. Sheridan.. 1759

RATES AND TAXES ON OFFICERS OCCUPYING PUBLIC BUILDINGS—Question, Colonel North; Answer, The Marquess of Hartington 1761

Supply—Order for Committee—*continued.*

Armament of the Royal Navy — Observations, Mr. H. Berkeley 1762; Answer, Lord Clarence Paget 1778

The "Prince Consort" and the "Lively" — Question, Sir James Elphinstone, 1767; Answer, Lord Clarence Paget 1776

Case of Mr. Thomas — Question, Sir John Pakington, 1770; Answer, Lord Clarence Paget 1774

French Breech-loading Cannon — Question, Mr. Damer; Answer, Lord Clarence Paget 1774

Ecclesiastical Courts — Question, Mr. Henry Seymour; Answer, Sir George Grey 1784

Motion *agreed to.*

Supply *considered* in Committee—Navy Estimates:—

(In the Committee.)

(1.) £1,275,316, Wages, to Artificers and others at Home 1785

Vote *agreed to.*

Debate arising on unexpected putting of the Question;—

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir James Elphinstone.*)

After Debate, Motion, by leave, *withdrawn.*

Supplemental Estimate—The Scheldt Toll—

(2.) £175,650, Moiety of Charge for the Redemption of the Scheldt Toll .. 1789

After Debate, Vote *agreed to.*

Supplemental Army Estimate—

(3.) £409,000, Supplemental Estimates for Army Services beyond ordinary Grants for 1863-4 1795

After Debate, Vote *agreed to.*

Resolution to be reported *To-morrow.*

WAYS AND MEANS—

Considered in Committee:—

(In the Committee.)

(1.) *Resolved,*

That, towards making good the Supply granted to Her Majesty, for the service of the year ending the 31st day of March, 1864, the sum of £584,650 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

(2.) *Resolved,*

That, towards making good the Supply granted to Her Majesty, the sum of £4,500,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Resolutions to be reported *To-morrow.*

Mutiny Bill—

Bill *considered* in Committee:—

(In the Committee.)

Clauses 1 to 21 *agreed to.*

Clause 22 (Power to inflict Corporal Punishment) 1797

Moved, "That the Clause stand part of the Bill:"—Objected to (*Mr. Cox.*)

After Debate, Question put, "That the Clause stand part of the Bill:"—The Committee *divided;* Ayes 55, Noes 42; Majority 3.

Clause *agreed to.*

Clauses 23 to 25 *agreed to.*

Clause 26 (Branding) 1806

Moved, "That the Clause stand part of the Bill."

After Debate, Question put, "That the Clause stand part of the Bill:"—The Committee *divided;* Ayes 80, Noes 50; Majority 30.

Clause *agreed to* 1806

Remaining Clauses and Preamble *agreed to.*

Bill *reported;* as amended, to be considered *To-morrow.*

Intoxicating Liquors Bill [Bill 44]—

Considered in Committee 1814

(In the Committee.)

Motion made, and Question put,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to enable owners and occupiers of property in certain districts to prevent the common sale of Intoxicating Liquors within such districts."—(*Mr. Lawson.*)

The Committee *divided;* Ayes 70, Noes 36; Majority 34.

Resolution *reported:*—Bill *ordered* to be brought in by Mr. Lawson and Mr. Bazley:—Bill *presented*, and read 1°. [Bill 44.]

House adjourned at Eleven o'clock.

LORDS, FRIDAY, MARCH 11.

MINUTES.]—Public Bills—*First Reading*—Leases and Sales of Settled Estates Act Amendment* (No. 30).

Second Reading — Turnpike Roads* [H.L.] (No. 24.)

Third Reading—Chief Rents (Ireland)* [H.L.] (No. 28), and *passed.*

Leases and Sales of Settled Estates Act Amendment Bill [H.L.]—

A Bill to amend the Settled Estates Act (1856)—Was *presented* by The Earl of Malmesbury; read 1ª; and to be *printed.* (No. 30.)

House adjourned at a quarter past Five o'clock.

COMMONS, FRIDAY, MARCH 11.

MINUTES.]—Select Committee—*Report*—Committee of Selection, *Third Report** (No. 62).

Supply—*Considered in Committee**—Committee—R.P.

Ways and Means—Resolutions [March 10] *reported;* First Resolution *re-committed**. *Resolution* [March 10] *reported;* Bills *ordered**.

Public Bills—*Resolution in Committee*—Land Securities Company (Stamp Duty on Mortgage Debentures)*.

First Reading—The Consolidated Fund (£4,500,000)*; The Consolidated Fund (£584,650)*; Fish Teinds (Scotland)* [Bill 45].

Second Reading—Summary Procedure (Scotland)* [Bill 32].

Considered as amended—Mutiny*.

Third Reading—Marine Mutiny* and *passed.*

The Irish Constabulary—Question, Mr. Scully; Answer, Sir Robert Peel .. 1816

Daunt's Rock and Robert's Cove—Question, Mr. Scully; Answer, Mr. Milner Gibson 1817

Admiral Fitzroy's Weather Predictions—Question, Mr. Augustus Smith; Answer, Mr. Milner Gibson 1818

The Mhow Court Martial—Question, Sir James Fergusson; Answer, Mr. Headlam 1818

Government Annuities Bill — The "Professional" and "European" Societies—Explanation, Mr. Wickham, Mr. Chancellor of the Exchequer 1820

Harbours of Refuge—Question, Sir Stafford Northcote; Answer, Mr. Milner Gibson 1820

Starvation in the Metropolis—Question, Lord Robert Cecil; Answer, Mr. C. P. Villiers 1821

Union Relief to the Wives of Soldiers, &c. — Question, Mr. Addington; Answer, Mr. C. P. Villiers 1822

Education Reports—Question, Sir John Pakington; Answer, Mr. Lowe .. 1823

Court Martial Law—Question, Mr. O'Reilly; Answer, Mr. Headlam .. 1824

Inspection of Night Schools — Question, Mr. Sclater-Booth; Answer, Mr. Lowe 1824

Bank Acts (Scotland) Bill — Question, Sir Andrew Agnew; Answer, The Chancellor of the Exchequer 1825

Business of the House—Question, Mr. Walpole; Answer, Sir George Grey .. 1825

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The Danish Blockade—Question, Mr. Dalglish; Answer, Mr. Layard .. 1825

Whitecross Street Prison — Question, Mr. Denman; Answer, Sir George Grey 1826

The Malta Dock—Question, Sir John Hay; Answer, Lord Clarence Paget .. 1826

Sir Rowland Hill—Notice, Viscount Palmerston 1827

St. Mary's Burial Ground at Sydenham — Question, Sir George Grey; Answer, Mr. Newdegate 1827

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Denmark and Germany — The Proposed Conference — Question, Mr. Seymour Fitzgerald; Answer, Viscount Palmerston 1828

Condition of Ireland—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that it is just and expedient to extend to Ireland the beneficial provisions of the English Poor Law,"—(*Mr. Hennessy*,)—instead thereof ... 1831

Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Amendment, by leave, *withdrawn*.

Road round St. James's Park — Observations, Sir William Fraser; Reply, Mr. Cowper 1894

Main Question put, and *agreed to*.

Supply *considered* in Committee:—Committee report Progress.

Land Securities Company (Stamp Duty on Mortgage Debentures) — *considered* in Committee.

(In the Committee.)

Moved,

"That the Stamp Duty payable on Mortgage Debentures transferable by delivery issued by the Land Securities Company Limited shall be the *ad valorem* duty which, by the Act of the Session of the 16th and 17th years of Her present Majesty, chapter 59, section 14, is prescribed in the case of Mortgages given by public Companies, as therein expressed."—*Sir James Fergusson*.)

Motion *agreed to**:—Resolution to be reported on *Monday* next.

House adjourned at half after Eleven o'clock.

LORDS, MONDAY, MARCH 14.

MINUTES.]—*Took the Oath*—Lord Dunsany.
Public Bills — *First Reading* — Marine Mutiny *.
Second Reading — Vestry Cess Abolition (Ireland) (No. 19); Inclosure * (No. 26).

Court Martial on Colonel Crawley — The Judge Advocate General — Question, Lord Chelmsford; Answer, Earl De Grey and Ripon .. 1895

Denmark and Germany—Speech of M. Hall—Question, The Earl of Derby; Answer, Lord Wodehouse 1896

Denmark and Germany—Joint Action of the European Powers—Question Lord Stratheden; Answer, Earl Granville 1899

Irish Reproductive Loan Fund—Question, The Earl of Leitrim; Answer, Earl Granville 1899

Vestry Cess Abolition (Ireland) Bill (No. 19)—

Moved, "That the Bill be now read 2^a."—(*The Earl of St. Germans.*) .. 1900

Motion *agreed to*:—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

The Austrian Fleet—Question, The Earl of Ellenborough; Answer, The Duke of Somerset 1901

House adjourned at a quarter before Six o'clock.

THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Right Hon. Viscount Palmerston.
Lord Chancellor	Right Hon. Lord Westbury.
President of the Council	Right Hon. Earl Granville.
Lord Privy Seal	His Grace the Duke of Argyll.
Secretary of State, Home Department	Right Hon. Sir George Grey, Bt.
Secretary of State, Foreign Department	Right Hon. Earl Russell.
Secretary of State for Colonies	His Grace the Duke of Newcastle.
Secretary of State for War	Right Hon. Earl De Grey and Ripon.
Secretary of State for India	Right Hon. Sir Charles Wood, Bt.
Chancellor of the Exchequer	Right Hon. William Ewart Gladstone.
First Lord of the Admiralty	His Grace the Duke of Somerset.
President of the Board of Trade	Right Hon. Thomas Milner Gibson.
Postmaster General	Right Hon. Lord Stanley of Alderley.
Chancellor of the Duchy of Lancaster	Right Hon. Edward Cardwell.
Chief Commissioner of the Poor Law Board	Right Hon. Charles Pelham Villiers.

NOT IN THE CABINET.

Field Marshal Commanding-in-Chief	H.R.H. the Duke of Cambridge.
Paymaster of the Forces, and Vice President of the Board of Trade	Right Hon. William Hutt.
Vice President of the Committee of Privy Council for Education	Right Hon. Robert Lowe.
Chief Commissioner of Works and Public Buildings	Right Hon. William Francis Cowper.
Lords of the Treasury	Edward Hugessen Knatchbull-Hugessen, Esq., Sir William Dunbar, Bt., and Lieutenant Colonel the Hon. Luke White.
Lords of the Admiralty	Vice Admiral the Hon. Sir Frederick William Grey, K.C.B., Rear Admiral Charles Eden, C.B., Rear Admiral Charles Frederick, Rear Admiral the Hon. James Robert Drummond, C.B., and James Stansfeld, Esq.
Joint Secretaries of the Treasury	Hon. Henry Bouverie William Brand, and Right Hon. Frederick Peel.
Secretary of the Admiralty	Rear Admiral Lord Clarence Edward Paget, C.B.
Secretary to the Poor Law Commissioners	Charles Gilpin, Esq.
Under Secretary for the Home Department	Henry Austin Bruce, Esq.
Under Secretary for Foreign Affairs	Austen Henry Layard, Esq.
Under Secretary for the Colonies	Chichester Samuel Fortescue, Esq.
Under Secretary for War	Most Hon. Marquess of Hartington.
Under Secretary for India	Thomas George Baring, Esq.
Judge Advocate General	Right Hon. Thomas Emerson Headlam.
Attorney General	Sir Roundell Palmer, Knt.
Solicitor General	Sir Robert Porrett Collier, Knt.

SCOTLAND.

Lord Advocate	Right Hon. James Moncreiff.
Solicitor General	George Young, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Carlisle.
Lord Chancellor	Right Hon. Maziere Brady.
Chief Secretary to the Lord Lieutenant	Right Hon. Sir Robert Peel, Bt.
Attorney General	Right Hon. Thomas O'Hagan.
Solicitor General	James Anthony Lawson, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl of St. Germans.
Lord Chamberlain	Right Hon. Viscount Sydney.
Master of the Horse	Most Hon. Marquess of Ailesbury.
Treasurer of the Household	Right Hon. Viscount Bury.
Comptroller of the Household	Right Hon. Lord Proby.
Vice Chamberlain of the Household	Right Hon. Viscount Castlerosse.
Captain of the Corps of Gentlemen at Arms	Right Hon. Lord Foley.
Captain of the Yeomen of the Guard	Right Hon. Earl of Ducie.
Master of the Buckhounds	Right Hon. Earl of Bessborough.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget.
Mistress of the Robes	Duchess of Wellington.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL

IN THE SIXTH SESSION OF THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

27° VICTORIÆ, 1864.

MEM.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord Highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness THE PRINCE OF WALES.

His Royal Highness GEORGE FREDERICK ALEXANDER CHARLES ERNEST AUGUSTUS Duke of CUMBERLAND AND TEVIOTDALE. (*King of Hanover.*)

His Royal Highness GEORGE WILLIAM FREDERICK CHARLES Duke of CAMBRIDGE.

CHARLES THOMAS Archbishop of CANTERBURY.

RICHARD Lord WESTBURY, *Lord Chancellor.*

WILLIAM Archbishop of YORK.

MARCUS GERVAIS Archbishop of ARMAGH.

GRANVILLE GEORGE Earl GRANVILLE, *Lord President of the Council.*

GEORGE DOUGLAS Lord SUNDRIDGE. (*Duke of Argyll.*) *Lord Privy Seal.*

HENRY Duke of NORFOLK, *Earl Marshal of England.*

EDWARD ADOLPHUS Duke of SOMERSET.

CHARLES HENRY Duke of RICHMOND.

WILLIAM HENRY Duke of GRAFTON.

HENRY CHARLES FITZROY Duke of BEAUFORT.

WILLIAM AMELIUS AUBREY DE VERE Duke of SAINT ALBANS.

GEORGE GODOLPHIN Duke of LEEDS.

WILLIAM Duke of BEDFORD.

WILLIAM Duke of DEVONSHIRE.

JOHN WINSTON Duke of MARLBOROUGH.

CHARLES CECIL JOHN Duke of RUTLAND.

WILLIAM ALEXANDER LOUIS STEPHEN Duke of BRANDON. (*Duke of Hamilton.*)

WILLIAM JOHN Duke of PORTLAND.

WILLIAM DROGO Duke of MANCHESTER.

HENRY PELHAM Duke of NEWCASTLE.

ALGERNON Duke of NORTHUMBERLAND.

ARTHUR RICHARD Duke of WELLINGTON.

RICHARD PLANTAGENET CAMPBELL Duke of BUCKINGHAM and CHANDOS.

GEORGE GRANVILLE WILLIAM Duke of SUTHERLAND.

WILLIAM JOHN FREDERICK Duke of CLEVELAND.

JOHN Marquess of WINCHESTER.

GEORGE Marquess of TWEEDDALE. (*Elected for Scotland.*)

HENRY Marquess of LANSDOWNE. (*In another place as Lord Wycombe.*)

JOHN VILLIERS STUART Marquess TOWNSHEND.

JAMES BROWNLOW WILLIAM Marquess of SALISBURY.

JOHN ALEXANDER Marquess of BATH.

JAMES Marquess of ABERCORN.

RICHARD Marquess of HERTFORD.

John Patrick Marquess of Bute.
Brownlow Marquess of Exeter.
Charles Marquess of Northampton.
George Charles Marquess Camden.
Henry Marquess of Anglesey.
George Horatio Marquess of Cholmondeley.
Henry Weysford Charles Plantagenet Marquess of Hastings.
George William Frederick Marquess of Ailesbury.
George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)
Frederick William Marquess of Bristol.
Archibald Marquess of Ailsa.
Richard Marquess of Westminster.
George Augustus Constantine Marquess of Normanby.

Edward Granville Earl of Saint Germans, *Lord Steward of the Household.*
Henry John Earl of Shrewsbury.
Edward Geoffrey Earl of Derby.
Francis Theophilus Henry Earl of Huntingdon.
George Robert Charles Earl of Pembroke and Montgomery.
William Reginald Earl of Devon.
Charles John Earl of Suffolk and Berkshire.
William Basil Percy Earl of Denbigh.
Francis William Henry Earl of Westmorland.
George Augustus Frederick Albemarle Earl of Lindsey.
George Harry Earl of Stamford and Warrington.
George James Earl of Winchilsea and Nottingham.
George Earl of Chesterfield.
John William Earl of Sandwich.
Arthur Algernon Earl of Essex.
James Thomas Earl of Cardigan.
George William Frederick Earl of Carlisle.
Walter Francis Earl of Doncaster. (*Duke of Buccleuch and Queensberry.*)
Anthony Earl of Shaftesbury.
——— Earl of Berkeley.
Montagu Earl of Abingdon.
Richard George Earl of Scarbrough.
George Thomas Earl of Albemarle.
George William Earl of Coventry.
Victor Albert George Earl of Jersey.
John Earl Poulett.
Sholto John Earl of Morton. (*Elected for Scotland.*)
James Earl of Caithness. (*Elected for Scotland.*)
Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)
Thomas George Earl of Strathmore. (*Elected for Scotland.*)
George Earl of Haddington. (*Elected for Scotland.*)
David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)
Dunbar James Earl of Selkirk. (*Elected for Scotland.*)
Thomas John Earl of Orkney. (*Elected for Scotland.*)
Sewallis Edward Earl Ferrers.
William Walter Earl of Dartmouth.
Charles Earl of Tankerville.
Heneage Earl of Aylesford.
Francis Thomas de Grey Earl Cowper.
Philip Henry Earl Stanhope.
Thomas Augustus Wolstenholme Earl of Macclesfield.
George William Richard Earl of Pomfret.
James Earl Graham. (*Duke of Montrose.*)
William Frederick Earl Waldegrave.
Bertram Earl of Ashburnham.
Seymour Sydney Hyde Earl of Harrington.
Isaac Newton Earl of Portsmouth.
George Guy Earl Brooke and Earl of Warwick.
Augustus Edward Earl of Buckinghamshire.
William Thomas Spencer Earl Fitzwilliam.
Dudley Francis Earl of Guilford.
Charles Philip Earl of Hardwicke.
William Thomas Horner Earl of Ilchester.
George John Earl De La Warr.
William Earl of Radnor.
John Poyntz Earl Spencer.
Henry George Earl Bathurst.
Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

John James Hugh Henry Earl Strange. (*Duke of Athol.*)

William Henry Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

Robert Earl of Mayo. (*Elected for Ireland.*)

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

Somerset Richard Earl of Belmore. (*Elected for Ireland.*)

Francis Earl of Bandon. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Sidney William Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby.

Henry Thynne Earl of Harewood.

William Hugh Earl of Minto.

Alan Frederick Earl Cathcart.

James Walter Earl of Verulam.

John William Spencer Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans. (*In another place as Lord Steward of the Household.*)

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

Henry Earl Beauchamp.

Richard Earl of Bantry. (*Elected for Ireland.*)

George Frederick Samuel Earl De Grey.

John Earl of Eldon.

Richard William Penn Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane.

William Pitt Earl Amherst.

John Frederick Vaughan Earl Cawdor.

William George Earl of Munster.

Adam Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

Granville George Earl Granville. (*In another place as Lord President of the Council.*)

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Maude Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Thomas Earl of Zetland.

Charles Noel Earl of Gainsborough.

Edward Earl of Ellenborough.

Francis Charles Granville Earl of Ellesmere.

George Stevens Earl of Strafford.

William John Earl of Cottenham.

Henry Richard Charles Earl Cowley.

Archibald William Earl of Winton. (*Earl of Eglintoun.*)

William Earl of Dudley.
John Earl Russell.
John Robert Viscount Sydney, *Lord Chamberlain of the Household.*
Robert Viscount Hereford.
William Henry Viscount Strathallan. (*Elected for Scotland.*)
Henry Viscount Bolingbroke and St. John.
Evelyn Viscount Falmouth.
George Viscount Torrington.
Augustus Frederick Viscount Leinster. (*Duke of Leinster.*)
Henry Viscount Maynard.
John Robert Viscount Sydney. (*In another place as Lord Chamberlain of the Household.*)
Francis Wheler Viscount Hood.
Thomas Viscount De Vesci. (*Elected for Ireland.*)
James Viscount Lifford. (*Elected for Ireland.*)
Edward Viscount Bangor. (*Elected for Ireland.*)
Hayes Viscount Doneraile. (*Elected for Ireland.*)
Cornwallis Viscount Hawarden. (*Elected for Ireland.*)
Carnegie Robert John Viscount St. Vincent.
Henry Viscount Melville.
William Leonard Viscount Sidmouth.
George John James Viscount Gordon. (*Earl of Aberdeen.*)
Edward Viscount Exmouth.
Richard John Viscount Hutchinson. (*Earl of Donoughmore.*)
William Thomas Viscount Clancarty. (*Earl of Clancarty.*)
Stapleton Viscount Combermere.
Charles John Viscount Canterbury.
Rowland Viscount Hill.
Charles Stewart Viscount Hardinge.
Hugh Viscount Gough.
Stratford Viscount Stratford de Redcliffe.
Charles Viscount Eversley.
Archibald Campbell Bishop of London.
Charles Bishop of Durham.
Charles Richard Bishop of Winchester.
Henry Bishop of Exeter.
George Bishop of Peterborough.
Connop Bishop of St. David's.
Ashhurst Turner Bishop of Chichester.
John Bishop of Lichfield.
Samuel Bishop of Oxford.
Thomas Vowler Bishop of St. Asaph.
James Prince Bishop of Manchester.
Renn Dickson Bishop of Hereford.
John Bishop of Chester.
Alfred Bishop of Llandaff.
John Bishop of Lincoln.
Walter Kerr Bishop of Salisbury.
Robert John Bishop of Bath and Wells. (*In another place as Lord Auckland.*)
Robert Bishop of Ripon.
John Thomas Bishop of Norwich.
James Colquhoun Bishop of Bangor.
Joseph Cotton Bishop of Rochester.
Samuel Bishop of Carlisle.
Henry Bishop of Worcester.
Charles John Bishop of Gloucester and Bristol.
Robert Bishop of Down, Connor, and Dromore.
James Thomas Bishop of Ossory, Ferns, and Leighlin.
John Bishop of Cork, Cloyne and Ross.
William Lennox Lascelles Lord de Ros.
Jacob Henry Delaval Lord Hastings.
George Edward Lord Audley.
Peter Robert Lord Willoughby de Eresby.
Thomas Crosby William Lord Dacre.
Charles Rodolph Lord Clinton.
Thomas Lord Camoys.
Henry Lord Beaumont.
Charles Lord Stourton.
Henry William Lord Berners.
Henry Lord Willoughby de Broke.
Sackville George Lord Conyers.
George Lord Vaux of Harrowden.
Edward Adolphus Ferdinand Lord Seymour.
St. Andrew Beauchamp Lord St. John of Bletso.
Charles Augustus Lord Howard de Walden.
William Bernard Lord Petre.
Frederick Benjamin Lord Saye and Sele.
John Francis Lord Arundell of Wardour.
John Stuart Lord Clifton. (*Earl of Darnley.*)

Joseph Thaddeus Lord Dormer.

George Henry Lord Teynham.

Henry Valentine Lord Stafford.

George Anson Lord Byron.

Charles Hugh Lord Clifford of Chudleigh.

Alexander Lord Saltoun. (*Elected for Scotland.*)

John Lord Gray. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

John Lord Rollo. (*Elected for Scotland.*)

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Richard Edmund Saint Lawrence Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

Henry Lord Middleton.

William John Lord Monson.

George John Brabazon Lord Ponsonby. (*Earl of Bessborough.*)

Henry Lord Wycombe. (*In another place as Marquess of Lansdowne.*)

George John Lord Sondes.

Alfred Nathaniel Holden Lord Scarsdale.

George Ives Lord Boston.

George James Lord Lovel and Holland. (*Earl of Egmont.*)

George John Lord Vernon.

Edward Saint Vincent Lord Digby.

George Douglas Lord Sundridge. (*Duke of Argyll.*) (*In another place as Lord Privy Seal.*)

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Rice Lord Dinevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

William Lord Berwick.

James Henry Legge Lord Sherborne.

John Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon.*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Charles Cornwallis Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland. (*In another place as Bishop of Bath and Wells.*)

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

John Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James George Henry Lord Saltersford. (*Earl of Courtown.*)

William John Lord Brodrick. (*Viscount Midleton.*)

Frederick Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

George Lord Northwick.

Thomas Lyttleton Lord Lilford.

Thomas Lord Ribblesdale.

Lucius Lord Inchiquin. (*Elected for Ireland*).

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

John Henry Wellington Graham Lord Loftus. (*Marquess of Ely.*)

Granville Leveson Lord Carysfort (*Earl of Carysfort.*)

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

George Lord Rivers.

Augustus Frederick Arthur Lord Sandys.

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

Thomas Americus Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

George Arthur Hastings Lord Granard. (*Earl of Granard.*)

Hungerford Lord Crewe.

William Brabazon Lord Ponsonby of Imokilly.

Alan Legge Lord Gardner.

John Thomas Lord Manners.

John Alexander Lord Hopetoun. (*Earl of Hopetoun.*)

Frederick William Robert Lord Stewart of Stewart's Court. (*Marquess of Londonderry.*)

Richard Lord Castlemaine. (*Elected for Ireland.*)

Charles Lord Meldrum. (*Marquess of Huntly.*)

James Lord Ross. (*Earl of Glasgow.*)

William Willoughby Lord Grinstead (*Earl of Enniskillen.*)

William Henry Tennison Lord Foxford. (*Earl of Limerick.*)

Francis George Lord Churchill.

George Francis Robert Lord Harris.

Charles Lord Colchester.

William Schomberg Robert Lord Ker. (*Marquess of Lothian.*)

Francis Nathaniel Lord Minster. (*Marquess Conyngham.*)

James Edward William Theobald Lord Ormonde. (*Marquess of Ormonde.*)

Francis Lord Wemyss. (*Earl of Wemyss.*)

Robert Lord Clanbrassill. (*Earl of Roden.*)

Robert Lord Kingston. (*Earl of Kingston.*)

William Lygon Lord Silchester. (*Earl of Longford.*)

Clotworthy John Eyre Lord Oriel. (*Viscount Massereene.*)

Henry Thomas Lord Ravensworth.

Hugh Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Robert Francis Lord Gifford.

Percy Ellen Frederick William Lord Penshurst. (*Viscount Strangford.*)

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

James Lord Wigan. (*Earl of Crawford and Balcarres.*)

Thomas Granville Henry Stuart Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

Edward Montague Stuart Granville Lord Wharncliffe.

William Lord Feversham.

John Henry Lord Tenterden.

Thomas Span Lord Plunket. (*Bishop of Tuam, Killala, and Achonry.*)

William Henry Ashe Lord Heytesbury.

Archibald John Lord Rosebery. (*Earl of Rosebery.*)

Richard Lord Clanwilliam. (*Earl of Clanwilliam.*)

Edward Lord Skelmersdale.

William Samuel Lord Wynford.

Henry Lord Brougham and Vaux.

William Henry Lord Kilmarnock. (*Earl of Erroll.*)

Arthur James Lord Fingall. (*Earl of Fingall.*)

William Philip Lord Sefton. (*Earl of Sefton.*)

William Sydney Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

William Lord Chaworth. (*Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

Robert Montgomerie Lord Hamilton. (*Lord Belhaven and Stenton.*)

John Hobart Lord Howden.

Fox Lord Panmure. (*Earl of Dalhousie.*)

Augustus Frederick George Warwick Lord Poltimore.

Edward Mostyn Lord Mostyn.

Henry Spencer Lord Templemore.

Edward Lord Cloncurry.

John St. Vincent Lord De Saumarez.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

William Frederick Lord Abinger.

Philip Lord De L'Isle and Dudley.

William Bingham Lord Ashburton.

Charles Lord Glenelg.

Edward Richard Lyttleton Lord Hatherton.

Archibald Lord Worlingham. (*Earl of Gosford.*)

William Frederick Lord Stratheden.

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

James Molyneux Lord Charlemont. (*Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

George Ponsonby Lord Lismore. (*Viscount Lismore.*)

Henry Cairns Lord Rossmore.

Robert Shapland Lord Carew.

Charles Frederick Ashley Cooper Lord De Mauley.

John Lord Wrottesley.

Sudeley Charles George Tracy Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Edward John Lord Stanley of Alderley.

Henry Lord Stuart de Decies.

William Henry Lord Leigh.

Beilby Richard Lord Wenlock.

Charles Lord Lurgan.

Ralph Lord Dunfermline.

Thomas Spring Lord Monteagle of Brandon.

James Lord Seaton.

Edward Arthur Wellington Lord Keane.

North Lord Oxenfoord. (*Earl of Stair.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)

Richard Lord Dartrey. (*Lord Cremorne.*)

Victor Alexander Lord Elgin. (*Earl of Elgin and Kincardine.*)

Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)

William Henry Forester Lord Londesborough.

Samuel Jones Lord Overstone.

Charles Robert Claude Lord Truro.

Robert Monsey Lord Cranworth.

John Cam Lord Broughton.

Charles Lord De Freyne.

Edward Burtenshaw Lord Saint Leonards.

Richard Henry FitzRoy Lord Raglan.

Gilbert John Lord Aveland.

Thomas Lord Kenmare. (*Earl of Kenmare.*)

Richard Bickerton Pemell Lord Lyons.

James Lord Wensleydale.

Edward Lord Belper.

James Lord Talbot de Malahide.

Robert Lord Ebury.

James Lord Skene. (*Earl Fife.*)

William George Lord Chesham.

Frederic Lord Chelmsford.

John Lord Churston.

John Charles Lord Strathspey. (*Earl of Seafield.*)

Thomas Lord Kingsdown.

George Lord Leconfield.

William Tatton Lord Egerton.

Charles Morgan Robinson Lord Tredegar.

Robert Vernon Lord Lyveden.

Benjamin Lord Llanover.

Henry Lord Taunton.

Richard Lord Westbury. (*In another place as Lord Chancellor.*)

Maurice Frederick Fitzhardinge Lord Fitzhardinge.

Henry Lord Annaly.

Richard Monckton Lord Houghton.

LIST OF THE COMMONS.

LIST OF MEMBERS

Returned from the respective Counties, Cities, Towns, and Boroughs, to serve in the *Eighteenth Parliament* of the United Kingdom of *Great Britain and Ireland:* Amended to the Opening of the Sixth Session on the 4th Day of February, 1864.

ABINGDON.
John Thomas Norris.

ANDOVER.
William Henry Humphery,
Hon. Dudley Francis Fortescue.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Rt. hon. (Edward Howard) Lord E. Howard.

ASHBURTON.
John Harvey Astell.

ASHTON-UNDER-LINE.
Rt. hon. Thomas Milner Gibson.

AYLESBURY.
Thomas Tyringham Bernard,
Samuel George Smith.

BANBURY.
Sir Charles Eurwicke Douglas, knt.

BARNSTAPLE.
John D. F. Davie,
Thomas Lloyd.

BATH.
William Tite,
Arthur Edwin Hay.

BEAUMARIS.
Hon. William Owen Stanley.

BEDFORDSHIRE.
Richard Thomas Gilpin,
Francis Charles Hastings Russell.

BEDFORD.
Samuel Whitbread,
William Stuart.

BERKSHIRE.
Hon. Philip Pleydell Bouverie,
John Walter,
Richard Benyon.

BERWICK-UPON-TWEED.
William Walter Cargill,
Dudley Coutts Marjoribanks.

BEVERLEY.
Henry Edwards,
James Robert Walker.

BEWDLEY.
Sir Thomas Edward Winnington, bt.

BIRKENHEAD.
John Laird.

BIRMINGHAM.
William Scholefield,
John Bright.

BLACKBURN.
William Henry Hornby,
James Pilkington.

BODMIN.
Hon. Edward Frederick Leveson Gower,
James Wyld.

BOLTON-LE-MOORS.
William Gray,
Thomas Barnes.

BOSTON.
John Wingfield Malcolm,
Meaburn Staniland.

BRADFORD.
Henry Wickham Wickham,
William Edward Forster.

BRECKNOCKSHIRE.
Hon. Godfrey Charles Morgan.

BRECKNOCK.
John Lloyd Vaughan Watkins.

BRIDGNORTH.
Henry Whitmore,
John Pritchard.

BRIDGWATER.
Charles John Kemeys Tynte,
Alexander William Kinglake.

BRIDPORT.
Thomas Alexander Mitchell,
Kirkman Daniel Hodgson.

BRIGHTHELMSTONE.
James White,
William Coningham.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
William Henry Gore Langton.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
Robert Bateson Harvey.

BUCKINGHAM.
Sir Harry Verney, bt.,
John Gellibrand Hubbard.

BURY.
Rt. hon. Frederick Peel.

BURY ST. EDMUNDS.
Hon. (Alfred Hervey) Lord A. Hervey,
Joseph Alfred Hardcastle.

CALNE.
Rt. hon. Robert Lowe.

CAMBRIDGESHIRE.
Hon. (George John Manners Lord G. J. Manners,
Henry John Adeane,
Hon. Eliot Thomas Yorke.

CAMBRIDGE (UNIVERSITY).
Rt. hon. Spencer Horatio Walpole,
Charles Jasper Selwyn.

CAMBRIDGE.
Kenneth Macaulay,
Francis Sharp Powell.

CANTERBURY.
Henry Alexander Butler Johnstone,
Rt. hon. Sir William Meredyth Somerville, bt.

CARDIFF.
James F. C. D. Stuart.

CARDIGANSHIRE.
William Thomas Rowland Powell.

CARDIGAN.
Edward Lewis Pryse.

CARLISLE.
Edmund Potter,
Wilfrid Lawson.

CARMARTHENSHIRE.
David Jones,
David Pugh.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON, &c.
Charles Wynne.

CHATHAM.
Sir John Mark Frederick Smith, knt.

CHELTENHAM.
Francis William Fitzhardinge Berkeley.

CHESHIRE.
(*Northern Division.*)
George Cornwall Legh,
Hon. Wilbraham Egerton.

(*Southern Division.*)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Philip Stapleton Humberstone.

CHICHESTER.
John Abel Smith,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
William John Lysley,
Richard Penruddocke Long.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
Allen Alexander Bathurst,
Hon. Ashley George John Ponsonby.

CLITHEROE.
John Turner Hopwood.

COCKERMOUTH.
John Steel,
Rt. hon. Richard Southwell (Bourke) Lord Naas.

COLCHESTER.
Taverner John Miller,
Philip O. Papillon.

CORNWALL.
(*Eastern Division.*)
Thomas James Agar Robartes,
Nicholas Kendall.

(*Western Division.*)
Richard Davey,
John Saint Aubyn.

COVENTRY.

Sir Joseph Paxton, knt.

CRICKLADE.
Ambrose Lethbridge Goddard,
Hon. Anthony (Ashley) Lord Ashley.

CUMBERLAND.
(*Eastern Division.*)
Hon. Charles Wentworth George Howard,
William Marshall.

(*Western Division.*)
Hon. Percy Wyndham,
Henry Lowther.

DARTMOUTH.
John Hardy.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt.,
Robert Myddelton Biddulph.

DENBIGH.
Townshend Mainwaring.

DERBYSHIRE.
(*Northern Division.*)
Hon. (George Henry Cavendish) Lord G. H. Cavendish,
William Pole Thornhill.

(*Southern Division.*)
Thomas William Evans,
William Mundy.

DERBY.
Michael Thomas Bass,
Samuel Beale.

DEVIZES.
Christopher Darby Griffith,
Hon. William Wells Addington.

DEVONPORT.
William Ferrand,
Sir Arthur William Buller, knt.,

DEVONSHIRE.
(*Northern Division.*)
James Wentworth Buller,
Hon. Charles Henry Rollo Trefusis.

(*Southern Division.*)
Sir Lawrence Palk, bt.,
Samuel Trehawke Kekewich.

DORCHESTER.
Richard Brinsley Sheridan,
Charles Napier Sturt.

DORSETSHIRE.
Hon. William Henry Berkeley Portman,
Henry Gerard Sturt,
Henry Ker Seymer.

DOVER.
Sir Henry John Leeke, K.C.B.,
William Nicol.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

DUDLEY.
Henry Brinsley Sheridan.

DURHAM.
(*Northern Division.*)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick Charles William Vane Tempest) Lord A. F. C. W. Vane Tempest.

(*Southern Division.*)
Henry Pease,
James Farrer.

DURHAM (CITY).

Rt. hon John Robert Mowbray.

ESSEX.
(*Northern Division.*)
Rt. hon. William Beresford,
Charles Du Cane.

(*Southern Division*).
Thomas William Bramston,
J. W. Perry Watlington.

EVESHAM.
Sir Henry Pollard Willoughby, bt.,
Edward Holland.

EXETER.
Edward Divett,
Richard Sommers Gard.

EYE.
Sir Edward Clarence Kerrison, bt.

FINSBURY.
William Cox,
Sir Samuel Morton Peto, bt.

FLINTSHIRE.
Hon. (Richard de Aquila Grosvenor) Lord R. Grosvenor.

FLINT, &c.
Sir John Hanmer, bt.

FROME.
Hon. (Edward Thynne) Lord E. Thynne.

GATESHEAD.
Rt. hon. William Hutt.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Henry Hussey Vivian.

GLOUCESTERSHIRE.
(Eastern Division.)
Sir Christopher William Codrington, bt.,
Robert Stayner Holford.

(Western Division.)
Robert Nigel Fitzhardinge Kingscote,
John Rolt.

GLOUCESTER.
Hon. Charles Paget Fitzhardinge Berkeley,
John Joseph Powell.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
David Salomons,
William Angerstein.

GRIMSBY (GREAT).
John Chapman.

GUILDFORD.
William Bovill,
Guildford Onslow.

HALIFAX.
Rt.hon.SirCharlesWood,bt.,
James Stansfeld.

HAMPSHIRE.
(Northern Division.)
William Wither Bramston Beach,
George Sclater-Booth.

(Southern Division.)
Hon. Ralph Heneage Dutton,
Sir Jervoise Clarke Clarke-Jervoise, bt.

HARWICH.
Henry G. W. Jervis,
Hon. Richard Thomas Rowley.

HASTINGS.
Frederick North,
Hon. (Harry George Vane) Lord H. G. Vane.

HAVERFORDWEST.
John Henry Philipps.

HELSTON.
John Jope Rogers.

HEREFORDSHIRE.
James King King,
Hon. (Montagu William Graham) Lord M. W. Graham,
Humphrey Francis Mildmay.

HEREFORD.
Henry Morgan Clifford,
George Clive.

HERTFORDSHIRE.
Rt. hon. Sir Edward George LyttonBulwer-Lytton,bt.,
Christopher William Giles Puller,
Abel Smith.

HERTFORD.
Rt. hon. William Francis Cowper,
Sir Walter Minto Townshend Farquhar, bt.

HONITON.
George Moffatt,
Alexander Dundas Baillie Cochrane.

HORSHAM.
William Robert Seymour Vesey FitzGerald.

HUDDERSFIELD.
Edward Aldam Leatham.

HUNTINGDONSHIRE.
Edward Fellowes,
Hon. (Robert Montagu) Lord R. Montagu.

HUNTINGDON.
Rt. hon. Jonathan Peel,
Thomas Baring.

HYTHE.
Baron Mayer Amschel de Rothschild.

IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.
George Carr Glyn.

KENT.
(Eastern Division.)
Sir Brook William Bridges, bt.,
Sir Edward Cholmeley Dering, bt.

(Western Division.)
Hon. (William Pitt) Viscount Holmesdale,
Sir Edmund Filmer, bt.

KIDDERMINSTER.
Luke White.

KING'S LYNN.
Rt. hon. Edward Henry (Stanley) Lord Stanley,
John Henry Gurney.

KINGSTON-UPON-HULL.
James Clay,
Joseph Somes.

KNARESBOROUGH.
Basil Thomas Woodd,
Thomas Collins.

LAMBETH.
Frederick Doulton,
William Williams.

LANCASHIRE.
(Northern Division.)
John Wilson Patten,
Hon. Spencer Compton (Cavendish) Marquess of Hartington.

(Southern Division.)
Hon. Algernon Fulke Egerton,
William John Legh,
Charles Turner.

LANCASTER.
William James Garnett,
Samuel Gregson.

LAUNCESTON.
Thomas Chandler Haliburton.

LEEDS.
Edward Baines,
George Skirrow Beecroft.

LEICESTERSHIRE.
(Northern Division.)
Rt. hon. (John James Robert Manners) Lord J. J. R. Manners,
Edward Bouchier Hartopp.

(Southern Division.)
Charles William Packe,
Hon. George Augustus Frederick Louis (Curzon Howe) Viscount Curzon.

LEICESTER.
Peter Alfred Taylor,
William Unwin Heygate.

LEOMINSTER.
Gathorne Hardy,
Hon. Charles Spencer Bateman Hanbury.

LEWES.
John George Blencowe,
Hon. Henry Bouverie William Brand.

LICHFIELD.
Hon. (Alfred Henry Paget) Lord A. H. Paget,
Hon. Augustus Henry Archibald Anson.

LINCOLNSHIRE.
(Parts of Lindsey.)
James Banks Stanhope,
Sir Montagu John Cholmeley Cholmeley, bt.

(Parts of Kesteven and Holland.)
Rt. hon. Sir John Trollope, bt.,
George Hussey Packe.

LINCOLN.
Charles Seely,
John Bramley Moore.

LISKEARD.
Ralph Bernal Osborne.

LIVERPOOL.
Thomas Berry Horsfall,
Joseph Christopher Ewart.

LONDON.
Sir James Duke, bt.,
George Joachim Goschen,
Robert Wygram Crawford,
Baron Lionel Nathan De Rothschild.

LUDLOW.
Hon. George Herbert Windsor Windsor Clive,
Sir William Augustus Fraser, bt.

LYME REGIS.
William Pinney.

LYMINGTON.
William Alexander Mackinnon, jun.,
Hon. George Charles (Gordon Lennox) Lord G. C. Lennox.

MACCLESFIELD.
John Brocklehurst,
Edward Christopher Egerton.

MAIDSTONE.
William Lee,
Charles Buxton.

MALDON.
George Montagu Warren Peacocke,
Thomas Sutton Western.

MALMESBURY.
Hon. Henry Charles (Howard) Viscount Andover.

MALTON.
Hon. Charles William Wentworth Fitzwilliam,
James Brown.

MANCHESTER.
Thomas Bazley,
James Aspinall Turner.

MARLBOROUGH.
Rt. hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.
John Harvey Lewis,
Rt. hon. Edmund Boyle (Roche) Lord Fermoy.

MERIONETHSHIRE.
William Watkin Edward Wynne.

MERTHYR TYDVIL.
Henry Austin Bruce.

MIDDLESEX.
Robert Hanbury,
Hon. George Henry Charles (Byng) Viscount Enfield.

MIDHURST.
William Townley Mitford.

MONMOUTHSHIRE.
Charles Octavius Swinnerton Morgan,
Poulett George Henry Somerset.

MONMOUTH.
Crawshay Bailey.

MONTGOMERYSHIRE.
Charles Watkins Williams Wynn.

MONTGOMERY.
Hon. Charles Richard Douglas Hanbury Tracy.

MORPETH.
Rt. hon. Sir George Grey, bt.

NEWARK-UPON-TRENT.
Grosvenor Hodgkinson,
John Handley.

NEWCASTLE-UNDER-LYME
William Jackson,
William Murray.

NEWCASTLE-UPON-TYNE.
Somerset Archibald Beaumont,
Rt. hon. Thomas Emerson Headlam.

NEWPORT, ISLE OF WIGHT.
Robert William Kennard,
Philip Lybbe Powys.

NORFOLK.
(Eastern Division.)
Hon. Wenman Clarence Walpole Coke,
Edward Howes.

(Western Division.)
George William Pierrepont Bentinck,
Charles Brampton Gurdon.

NORTHALLERTON.
William Battie Wrightson.

NORTHAMPTONSHIRE.
(Northern Division.)
Hon. William Alleyne (Cecil) Lord Burghley,
George Ward Hunt.

(Southern Division.)
Rainald Knightley,
Henry Cartwright.

NORTHAMPTON.
Charles Gilpin,
Rt. hon. Anthony (Henley), Lord Henley.

NORTHUMBERLAND.
(Northern Division.)
Hon. Algernon George (Percy) Lord Lovaine,
Sir Matthew White Ridley, bt.

(Southern Division.)
Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

NORWICH.
Sir William Russell, bt.,
Edward Warner.

NOTTINGHAMSHIRE.
(Northern Division.)
Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Pelham Clinton,
Rt. hon. John Evelyn Denison.

(Southern Division.)
William Hodgson Barrow,
Hon. George Philip Cecil Arthur (Stanhope) Lord Stanhope.

NOTTINGHAM.
Charles Paget,
Sir Robert Juckes Clifton, bt.

OLDHAM.
John Tomlinson Hibbert,
John Morgan Cobbett.

OXFORDSHIRE.
Rt. hon. Joseph Warner Henley,
John Sidney North,
John William Fane.

OXFORD (CITY).
Charles Neate,
Rt. Hon. Edward Cardwell.

OXFORD (UNIVERSITY).
Rt. Hon. William Ewart Gladstone,
Sir William Heathcote, bt.

PEMBROKESHIRE.
George Lort Phillips.

PEMBROKE.
Sir Hugh Owen Owen, bt.

PENRYN AND FALMOUTH.
Thomas George Baring,
Samuel Gurney.

PETERBOROUGH.
Thomson Hankey,
George Hammond Whalley.

PETERSFIELD.
Rt. Hon. Sir William George Hylton Jolliffe, bt.

PLYMOUTH.
Walter Morrison,

PONTEFRACT.
Samuel Waterhouse,
Hugh Culling Eardley Childers.

POOLE.
George Woodroffe Franklyn,
Henry Danby Seymour.

PORTSMOUTH.
Sir James Dalrymple Horn Elphinstone, bt.,
Rt. hon. Sir Francis Thornhill Baring, bt.

PRESTON.
Sir Thomas George Hesketh, bt.,
Charles Pascoe Grenfell.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Richard Green Price.

READING.
John Shaw Lefevre,
Sir Francis Henry Goldsmid, bt.

REIGATE.
Granville William Gresham Leveson Gower.

RETFORD (EAST).
Rt. hon. George Edward Arundell (Monckton-Arundell) Viscount Galway,
Francis John Savile Foljambe.

RICHMOND.
Marmaduke Wyvill.

RIPON.
John Greenwood,
Reginald Arthur Vyner.

ROCHDALE.
Richard Cobden.

ROCHESTER.
Philip Wykeham Martin,
John Alexander Kinglake.

RUTLANDSHIRE.
Hon. Gerard James Noel,
Hon. Gilbert Henry Heathcote.

RYE.
William Alexander Mackinnon.

ST. IVES.
Henry Paull.

SALFORD.
William Nathaniel Massey.

SALISBURY.
Edward Pery Buckley,
Matthew Henry Marsh.

SALOP, OR SHROPSHIRE.
(*Northern Division.*)
Hon. Rowland Clegg Hill,
John Ralph Ormsby Gore.

(*Southern Division.*)
Rt. hon. Orlando George Charles (Bridgeman) Viscount Newport,
Sir Baldwin Leighton, bt.

SANDWICH.
Edward Knatchbull-Hugessen,
Hon. Clarence Edward (Paget) Lord C. E. Paget.

SCARBOROUGH.
John Dent Dent,
Sir John Vanden Bempde Johnstone, bt.

SHAFTESBURY.
George Grenfell Glyn.

SHEFFIELD.
John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).
Robert Ingham.

SHOREHAM (NEW).
Sir Percy Burrell, bt.,
Stephen Cave.

SHREWSBURY.
George Tomline,
Henry Robertson.

SOMERSETSHIRE.
(*Eastern Division.*)
Sir William Miles, bt.,
William Francis Knatchbull.

(*Western Division.*)
William Henry Powell Gore Langton,
Sir Alexander Fuller Acland Hood, bt.

SOUTHAMPTON.
William Digby Seymour,
William Anderson Rose.

SOUTHWARK.
Austen Henry Layard,
John Locke.

STAFFORDSHIRE.
(*Northern Division.*)
Rt. hon. Charles Bowyer Adderley,
Hon. Charles John (Talbot) Viscount Ingestre.

(*Southern Division.*)
Henry John Wentworth Foley,
William Orme Foster.

STAFFORD.
Thomas Sidney,
Thomas Salt.

STAMFORD.
Hon. (Robert Talbot Gascoyne Cecil) Lord R. T. G. Cecil,
Sir Stafford Henry Northcote, bt.

STOCKPORT.
James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.
Henry Riversdale Grenfell,
William Taylor Copeland.

STROUD.
George Poulett Scrope,
Rt. hon. Edward Horsman.

SUFFOLK.
(Eastern Division.)
Rt. hon. John (Henniker-Major) Lord Henniker,
Sir FitzRoy Kelly, knt.

(Western Division.)
Hon. Frederick William (Hervey), Earl Jermyn,
Windsor Parker.

SUNDERLAND.
Henry Fenwick,
William Schaw Lindsay.

SURREY.
(Eastern Division.)
Thomas Alcock,
Hon. Peter John Locke King.

(Western Division.)
John Ivatt Briscoe,
George Cubitt.

SUSSEX.
(Eastern Division.)
John George Dodson,
Hon. Henry North (Holroyd) Viscount Pevensey.

(Western Division.)
Walter Barttelot Barttelot,
Hon. Henry Wyndham.

SWANSEA.
Lewis Llewellyn Dillwyn.

TAMWORTH.
Rt. hon. Sir Robert Peel, bt.,
John Peel.

TAUNTON.
Arthur Mills,
George Cavendish Bentinck.

TAVISTOCK.
Sir John Salusbury Trelawny, bt.,
Arthur John Edward Russell,

TEWKESBURY.
James Martin.

THETFORD.
Hon. Frederick John (FitzRoy) Lord F. J. FitzRoy,
Alexander Hugh Baring.

THIRSK.
Sir William Payne Gallwey, bt.

TIVERTON.
Rt. hon. Henry John (Temple) Viscount Palmerston,
Hon. George Denman.

TOTNES.
John Pender,
Alfred Seymour.

TOWER HAMLETS.
Acton Smee Ayrton,
Charles Salisbury Butler.

TRURO.
Montague Edward Smith,
Augustus Smith.

TYNEMOUTH.
Richard Hodgson.

WAKEFIELD.
Sir John Charles Dalrymple, bt.

WALLINGFORD.
Richard Malins.

WALSALL.
Charles Forster.

WAREHAM.
John Wanley Erle Drax.

WARRINGTON.
Gilbert Greenall.

WARWICKSHIRE.
(Northern Division.)
Charles Newdigate Newdegate,
Richard Spooner.

(Southern Division.)
Evelyn Philip Shirley,
Sir Charles Mordaunt, bt.

WARWICK.
George William John Repton,
Edward Greaves.

WELLS.
Rt. hon. Sir William Goodenough Hayter, bt.,
Hedworth Hylton Jolliffe.

WENLOCK.
Rt. hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.
Sir Massey Lopes, bt.

WESTMINSTER.
Sir John Villiers Shelley, bt.,
Sir De Lacy Evans, G.C.B.

WESTMORELAND.
Hon. Henry Cecil Lowther,
Hon. Thomas (Taylour) Earl of Bective.

WEYMOUTH AND MELCOMBE REGIS.
Robert Brooks,
Hon. Arthur Edward (Egerton), Viscount Grey de Wilton.

WHITBY.
Harry Stephen Thompson.

WHITEHAVEN.
George Lyall.

WIGAN.
Hon. James Lindsay,
Henry Woods.

WIGHT (ISLE OF).
Charles Cavendish Clifford.

WILTON.
Edmund Antrobus.

WILTSHIRE.
(Northern Division.)
Walter Long,
Rt. hon. Thomas Henry Sutton Sotheron Estcourt.

Southern Division.)
Frederick Hervey Bathurst,
Hon. Henry Frederick (Thynne) Lord H. F. Thynne.

WINCHESTER.
John Bonham-Carter.

WINDSOR (NEW).
William Vansittart,
Richard Henry Richard Howard Vyse.

WOLVERHAMPTON.
Rt. hon. Charles Pelham Villiers,
Thomas Matthias Weguelin.

WOODSTOCK.
Hon. Alfred (Churchill), Lord A. Churchill.

WORCESTERSHIRE.
(Eastern Division.)
Harry Foley Vernon,
Hon. Frederick Henry Gough Calthorpe.

(Western Division.)
Frederick Winn Knight,
Hon. Frederick Lygon.

WORCESTER.
Richard Padmore,
Osman Ricardo.

WYCOMBE (CHEPPING).
John Remington Mills,
Martin Tucker Smith.

YARMOUTH (GREAT).
Sir Edmund Henry Knowles Lacon, bt.,
Sir Henry Josiah Stracey, bt.

YORKSHIRE.
(North Riding.)
Edward Stillingfleet Cayley,
Hon. William Ernest Duncombe,
William John Sawrey Morritt.

YORKSHIRE—*continued.*
(*East Riding.*)
Rt. hon. Beaumont (Hotham) Lord Hotham,
Hon. Arthur Duncombe.

(*West Riding.*)
Sir John William Ramsden, bt.,
Sir Francis Crossley, bt.

YORK.
Joshua Proctor Brown Westhead,
John George Smyth.

SCOTLAND.

ABERDEENSHIRE.
William Leslie.

ABERDEEN.
William Henry Sykes.

ARGYLLSHIRE.
Alexander Struthers Finlay.

AYRSHIRE.
Sir James Fergusson, bt.

AYR, &c.
Edward Henry John Craufurd.

BANFFSHIRE.
Robert William Duff.

BERWICKSHIRE.
David Robertson.

BUTESHIRE.
Rt. hon. David Mure.

CAITHNESS-SHIRE.
George Traill.

CLACKMANNAN AND KINROSS-SHIRES.
William Patrick Adam.

CUPAR, ST. ANDREWS, &c.
Edward Ellice.

DUMBARTONSHIRE.
Patrick Boyle Smollett.

DUMFRIES-SHIRE.
John James Hope Johnstone.

DUMFRIES, &c.
William Ewart.

DUNDEE.
Sir John Ogilvy, bt.

EDINBURGHSHIRE.
Hon. William Henry Walter (Montague-Douglas-Scott) Earl of Dalkeith.

EDINBURGH.
Adam Black,
Rt. hon. James Moncreiff.

ELGIN AND NAIRNSHIRE.
Charles Lennox Cumming Bruce.

ELGIN, &c.
Mountstuart Grant Duff.

FALKIRK, &c.
James Merry.

FIFESHIRE.
James Hay Erskine Wemyss.

FORFARSHIRE.
Hon. Charles Carnegie.

GLASGOW.
Walter Buchanan,
Robert Dalglish.

GREENOCK.
Alexander Murray Dunlop.

HADDINGTONSHIRE.
Hon. Francis Wemyss (Charteris) Lord Elcho.

HADDINGTON, &c.
Sir Henry Robert Ferguson Davie, bt.

INVERNESS-SHIRE.
Henry James Baillie.

INVERNESS, &c.
Alexander Matheson.

KILMARNOCK, RENFREW, &c.
Rt. hon. Edward Pleydell Bouverie.

KINCARDINESHIRE.
Hon. Hugh Arbuthnott.

KIRKCALDY, DYSART, &c.
Roger Sinclair Aytoun.

KIRKCUDBRIGHTSHIRE.
James Mackie.

KIRKWALL, WICK, &c.
Rt. hon. William Coutts (Keppel) Viscount Bury.

LANARKSHIRE.
Sir Thomas Edward Colebrooke, bt.

LEITH, &c.
William Miller.

LINLITHGOWSHIRE.
W. Ferrier Hamilton.

MONTROSE, &c.
William Edward Baxter.

ORKNEY AND SHETLAND.
Frederick Dundas.

PAISLEY.
Humphrey Ewing Crum-Ewing.

PEEBLES-SHIRE.
Sir Graham Graham Montgomery, bt.

PERTHSHIRE.
William Stirling.

PERTH.
Hon. Arthur FitzGerald Kinnaird.

RENFREWSHIRE.
Sir Michael Robert Shaw Stewart, bt.

ROSS AND CROMARTY SHIRES.
Sir James Matheson, bt.

ROXBURGHSHIRE.
Sir William Scott, bt.

SELKIRKSHIRE.
Hon. (Henry John Montagu Douglas Scott) Lord H. J. M. D. Scott.

STIRLINGSHIRE.
Peter Blackburn.

STIRLING, &c.
James Caird.

SUTHERLANDSHIRE.
Rt. hon. Sir David Dundas.

WIGTONSHIRE.
Sir Andrew Agnew, bt.

WIGTON, &c.
Sir William Dunbar, bt.

IRELAND.

ANTRIM.
Thomas Henry Pakenham,
Edward O'Neill.

ARMAGH.
Sir William Verner, bt.,
Maxwell Charles Close.

ARMAGH (CITY).
Joshua Walter MacGeough Bond.

ATHLONE.
John Ennis.

BANDON BRIDGE.
Hon. Henry Boyle Bernard.

BELFAST.
Sir Hugh MacCalmont Cairns, knt.,
Samuel Gibson Getty.

CARLOW.
Dennis William Pack Beresford,
Henry Bruen.

CARLOW (BOROUGH).
Sir John Emerich Dalberg Acton, bt.

CARRICKFERGUS.
Robert Torrens.

CASHEL.
John Lanigan.

CAVAN.
Hon. James Pierce Maxwell,
Hon. Hugh Annesley.

CLARE.
Crofton M. Vandeleur,
Sir Colman Michael O'Loghlen.

CLONMEL.
John Bagwell.

COLERAINE.
Sir Henry Hervey Bruce, bt.

CORK COUNTY.
Nicholas Philpot Leader,
Vincent Scully.

CORK (CITY).
Francis Bernard Beamish,
Francis Lyons.

DONEGAL.
Thomas Conolly,
Hon. James (Hamilton) Viscount Hamilton.

DOWNPATRICK.
David Stewart Ker.

DOWNSHIRE.
Hon. (Arthur Edwin Hill) Lord A. E. Hill,
William B. Forde.

DROGHEDA.
James McCann.

DUBLIN.
Ion Trant Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Sir Edward Grogan, bt.,
John Vance.

DUBLIN (UNIVERSITY).
Anthony Lefroy,
Rt. hon. James Whiteside.

DUNDALK.
Sir George Bowyer, bt.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
John Francis Maguire.

ENNIS.
William Stacpoole.

ENNISKILLEN.
Hon. John Lowry Cole.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

GALWAY.
Sir Thomas John Burke, bt.,
William Henry Gregory.

GALWAY (BOROUGH).
John Orrell Lever,
Hon. Ulick Canning (De Burgh) Lord Dunkellin.

KERRY.
Rt. hon. Henry Arthur Herbert,
Rt. hon. Valentine Augustus (Browne) Viscount Castlerosse.

KILDARE.
William Henry Ford Cogan,
Rt. hon. Richard More O'Ferrall.

KILKENNY.
Hon. Leopold George Frederick Agar-Ellis,
John Greene.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S COUNTY.
John Pope Hennessy,
Patrick O'Brien.

KINSALE.
Sir George Conway Colthurst, bt.

LEITRIM.
John Brady,
William Richard Ormsby Gore.

LIMERICK.
Rt. hon. William Monsell,
Samuel A. Dickson.

LIMERICK (CITY).
Francis William Russell,
George Gavin.

LISBURN.
Edward Wingfield Verner.

LONDONDERRY.
Robert Peel Dawson,
Sir Frederick William Heygate, bt.

LONDONDERRY (CITY).
William McCormick.

LONGFORD.
Myles William O'Reilly,
Fulke Southwell Greville.

LOUTH.
Chichester Samuel Fortescue,
Richard Montesquieu Bellew.

MALLOW.
Robert Longfield.

MAYO.
Roger William Palmer,
Hon. John Thomas (Browne) Lord J. T. Browne.

MEATH.
Matthew Elias Corbally,
Edward McEvoy.

MONAGHAN.
Charles Powell Leslie,
Sir George Forster, bt.

NEWRY.
Peter Quinn.

PORTARLINGTON.
Lionel Seymour Dawson Damer.

QUEEN'S COUNTY.
Michael Dunne,
Francis Plunket Dunne.

ROSCOMMON.
Fitzstephen French,
The O'Conor Don.

ROSS (NEW).
Charles George Tottenham.

SLIGO.
Sir Robert Gore Booth, bt.,
Charles William Cooper.

SLIGO (BOROUGH).
Francis Macdonogh.

TIPPERARY.
O'Donoghue, Daniel (The O'Donoghue),
Lawrence Waldron.

TRALEE.
Rt. hon. Thomas O'Hagan

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Rt. hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
John Esmonde,
Hon. Walter Cecil Talbot.

WATERFORD (CITY).
Michael Dobbyn Hassard,
John Aloysius Blake.

WESTMEATH.
Sir Richard George Augustus Levinge, bt.,
William Pollard-Urquhart.

WEXFORD.
Patrick McMahon,
John George.

WEXFORD (BOROUGH).
John Edward Redmond.

WICKLOW.
William Wentworth Fitzwilliam Hume,
Hon. Granville Leveson (Proby) Lord Proby.

YOUGHAL.
Isaac Butt.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Sixth Session of the *Eighteenth Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
Appointed to meet 31 May 1859, and from thence Continued till 4 February 1864, in the Twenty-seventh
Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, February 4, 1864.

MEETING OF THE PARLIAMENT.

THE PARLIAMENT, which had been Prorogued successively from the 28th July, thence to the 14th October, thence to the 1st December, thence to the 13th January 1864, and thence to the 4th February, met this day for Despatch of Business.

The Session of Parliament was opened by Commission.

THE LORDS COMMISSIONERS' SPEECH.

The LORDS COMMISSIONERS—namely, The Lord Chancellor, The Lord Privy Seal (The Duke of Argyll), The Lord Steward of the Household (The Earl of St. Germans), The Lord Chamberlain of the Household (The Viscount Sydney), and the Lord Stanley of Alderley (Postmaster General)—being in their Robes, and seated on a form placed between the Throne and the Woolsack, commanded the Gentleman Usher of the Black Rod to signify to the Commons "The Lords Commissioners desire their immediate attendance in this House."

Who being at the Bar, with their Speaker;

The LORD CHANCELLOR, in pursuance of Her Majesty's Commands, *delivered* the Speech of The LORDS COMMISSIONERS to both Houses of Parliament, as follows:—

My Lords and Gentlemen,

"We are commanded to assure you that Her Majesty has great Satisfaction in recurring again to the Advice and Assistance of Her Parliament.

"Her Majesty is confident that you will share Her Feeling of Gratitude to Almighty God on account of the Princess of *Wales* having given birth to a Son; an Event which has called forth from Her faithful People renewed Demonstrations of devoted Loyalty and Attachment to Her Person and Family.

"The State of Affairs on the Continent of *Europe* has been the Cause of great Anxiety to Her Majesty. The Death of the late King of *Denmark* brought into immediate Application the Stipulations of the Treaty of *May* 1852, concluded by Her Majesty, The Emperor of *Austria*, The Emperor of the *French*, The King of *Prussia*, The Emperor of *Russia*, The King of *Sweden*, The King of *Denmark*, and afterwards acceded to by The King of *Hanover*, The King of *Saxony*, The King of *Wurtemburg*, The King of the *Belgians*, The King of the *Netherlands*, The Queen of *Spain*, The King of *Portugal*, and The King of *Sardinia*.

"That Treaty declared that it is conducive to the Preservation of the Balance of Power, and of the Peace of *Europe*, that the Integrity of the *Danish* Monarchy should be maintained, and that the several Territories which have hitherto been under the Sway of The King of *Denmark* should continue so to remain; and for this Purpose it was agreed that in the event of the Death of the late King and of His Uncle Prince *Frederick* without Issue, His present Majesty King *Christian* IX. should be acknowledged as succeeding to all the Dominions then united under the Sceptre of His Majesty The King of *Denmark*.

"Her Majesty, actuated by the same Desire to preserve the Peace of *Europe* which was One of the declared Objects of all the Powers who were Parties to that Treaty, has been unremitting in Her Endeavours to bring about a Peaceful Settlement of the Differences which on this Matter have arisen between *Germany* and *Denmark*, and to ward off the Dangers which might follow from a Beginning of Warfare in the North of *Europe*; and Her Majesty will continue Her Efforts in the Interest of Peace.

"The barbarous Murders and cruel Assaults committed in *Japan* upon Subjects of Her Majesty rendered it necessary that Demands should be made upon the *Japanese* Government, and upon the Daimio by whose Retainers some of those Outrages were committed.

"The Government of the Tycoon complied with the Demand made upon them by Her Majesty's Government, and full Satisfaction having been made, the friendly Relations between the Two Governments have continued unbroken; but the Daimio Prince of *Satsuma* refused to comply with the just and moderate Demands which were made upon him.

"His Refusal rendered Measures of Coercion necessary, and Her Majesty regrets that while those Measures have brought this Daimio to an Agreement for Compliance, they led incidentally to the Destruction of a considerable Portion of the Town of *Kagosima*.

"Papers on this Subject will be laid before you.

"The Insurrection which broke out last Year among some Portion of the Native Inhabitants of *New Zealand* still unfortunately continues, but there is Reason to hope that it will, before long, be put down.

"Her Majesty commands us to inform you that She has concluded a Treaty with The Emperor of *Austria*, The Emperor of the *French*, The King of *Prussia*, and The Emperor of *Russia*, by which Her Majesty consents to give up the Protectorate of the *Ionian Islands*, and also agrees to the Annexation of those Islands to the Kingdom of *Greece*. This Treaty shall be laid before you. Her Majesty is also negotiating a Treaty with The King of the *Hellenes* for regulating the Arrangements connected with the Union of the *Ionian Islands* with the Kingdom of *Greece*.

"*Gentlemen of the House of Commons,*

"Her Majesty has directed the Estimates for the ensuing Year to be laid before you. They have been prepared with every Attention to Economy, and with a due Regard to the Efficiency of the Public Service.

"*My Lords, and Gentlemen,*

"Her Majesty commands us to inform you that the Condition of the Country is, on the whole, satisfactory. The Revenue has fully realised its expected amount; the Commerce of the United Kingdom is increasing; and while the Distress in the Manufacturing Districts has been in some Degree lessened, there is Reason to look forward to an increased Supply of Cotton from various Countries which have hitherto but scantily furnished our Manufacturers with this Material for their Industry.

"Her Majesty has directed that a Commission shall be issued for the Purpose of revising the various Forms of Subscription and Declaration required to be made by the Clergy of the Established Church. A Copy of that Commission will be laid before you.

"Various Measures of public usefulness will be submitted for your Consideration.

"Her Majesty commits, with Confidence, the great Interests of the Country to your Wisdom and Care; and She fervently prays that the Blessing of Almighty God may attend your Deliberations and prosper your Councils for the Advancement of the Welfare and Happiness of Her loyal and faithful People."

Then the Commons withdrew.

House adjourned during pleasure.

House *resumed*.

WRITS AND RETURNS.

Writs and Returns electing The Lord Inchiquin a Representative Peer for Ireland, in the Room of The Lord Downes, deceased; with the Certificate of the Clerk of the Crown in Ireland annexed thereto—*Delivered* (on Oath), and Certificate read.

TOOK THE OATH.

The Bishop of Gloucester and Bristol—Took the Oath.

Henry White, Esquire, having been created Baron Annaly—Was (in the usual Manner) introduced, and took the Oath.

Richard Monckton Milnes, Esquire, having been created Baron Houghton—Was (in the usual Manner) introduced, and took the Oath.

The Archbishop of Armagh—Took the Oath.

SAT FIRST.

The Lord Chesham—Sat first in Parliament after the Death of his Father.

James Molyneux Lord Charlemont—Was introduced by virtue of a special Limitation in the Patent dated 13th February, 7th William IV., and sat first in Parliament after the Death of his Uncle, and took the Oath.

The Lord Sandys—Sat first in Parliament after the Death of his Father.

The Marquess of Normanby—Sat first in Parliament after the Death of his Father.

ROLL OF LORDS.

Garter King of Arms attending, *delivered* at the Table (in the usual Manner) a List of the Lords Temporal in the Sixth Session of the Eighteenth Parliament of the United Kingdom.

The same was Ordered to lie on the Table.

SELECT VESTRIES.

Bill, *pro formâ*, read 1ª.

ADDRESS TO HER MAJESTY ON THE LORDS COMMISSIONERS' SPEECH.

The LORDS COMMISSIONERS' Speech having been *reported* by the LORD CHANCELLOR—

THE MARQUESS OF SLIGO: My Lords, I rise to propose an humble Address to the Queen in reply to Her Majesty's Speech which has just been read over to us by the noble and learned Lord on the Woolsack. I should have done so with greater pleasure if Her Majesty had, on this occasion, gladdened us by her presence. We know how heavily her great grief still weighs upon her; we do not expect nor hope that she will forget the happiness of her married life, nor the affliction of later years; but we may hope that the many blessings which Providence has lavished on her family—more especially the two happy events of the last twelve months—may comfort and strengthen her: so that when next some other noble Lord shall perform the duty which I have this day undertaken, it may be in answer to a Speech from Her Majesty in person. I have been for many years a Member of your Lordships' House, and I know of no one who during that time has more rarely intruded himself upon you—not from any indolence on my part—not certainly from any want of interest in the many important matters which have been debated in my presence, but solely from a want of confidence in my powers—and if now, my Lords, I say a few words, it is not from any alteration in my estimate of myself, nor with any intention of hereafter habitually occupying your time, but in accordance with the custom which leaves the honour of moving the Address to the Queen to those Members of the House who are not habitual speakers in it. The Address to the Queen is, I believe, generally agreed to with unanimity—it gives rise to discussion, but not to division. I hope it may be so this evening. I hope so the more confidently as one of the first paragraphs in Her Majesty's Speech, and consequently one of the first in the Address, relates to the birth of a son and heir to His Royal Highness the Prince of Wales. I will not dwell on our deep devotion to our Queen—we all know how truly and earnestly she is beloved by all her subjects—how honoured and admired not only in all Europe, but in all the civilized world. We believe that the virtues of Her Majesty, and of her illustrious and gifted husband, live again in their children, and we confidently hope that this infant Prince, born under such auspices, and educated under such influences, will at some distant day reign over future generations with the same brilliant qualities that so adorn Her Majesty. No human institution seems more firmly and more safely established than the Throne of this kingdom; yet we greet with welcome every new security for it, and I know that your Lordships will cordially join in the few words with which I acknowledge Her Majesty's gracious announcement, and offer our humble congratulations on the happy event. Her Majesty has told us that the state of Europe causes her the greatest anxiety. I can readily believe it. It is long since Parliament has been called together at a time or in presence of circumstances which lead to more serious apprehensions. We cannot disguise from ourselves the gravity of the crisis occasioned by the death of the King of Denmark at a moment when peculiar circumstances rendered the prolongation of his life more than usually important to the European community. The dangers likely to arise from that lamentable event were, of course, long ago foreseen. We hoped, however, that the arrangement of 1852 had obviated them, and that we should escape the embarrassment in which we find ourselves. I approach the subject with great diffidence. I have heard that it requires a long course of study to understand and appreciate the merits and details of the history of the Danish Duchies. I have not been able to give that long study to it, and I would not lightly nor flippantly speak of a dispute which may have such fearful consequences, but from my moderate study of the subject it seems to me that for all purposes of present discussion it is quite useless to go any further back than the Treaty of 1852. I believe that the safety of Europe at this moment depends on the strictest adherence to that treaty. Abrogate it, and you find yourself in presence of a political chaos, from which, perhaps, you may not emerge without the ordeal of an European war. My Lords, I know of no treaty which embodies more personal sacrifices than that of which we are speaking—sacrifices not made under any coercion or pressure, but apparently from impulses of patriotism and benevolence. There must have been, twelve years ago, a very strong feeling as to the value to Europe of the Danish Monarchy. That the sacrifices of which I speak may have been due to dynastic ambition or to dynastic affection is not only possible but probable, but that will not account for the signatures afterwards appended to the treaty, nor was it under the influence of such causes that the great Powers originated it. They must have acted under a strong common conviction that the peculiar geographical position of Denmark rendered the maintenance of the integrity and independence of the monarchy of great importance to European arrangements. They must also, I apprehend, have been strongly impressed with the necessity of providing against the European war which would have been the natural consequence of the death of the King of Denmark without such provision. I am told that the treaty is not one of guarantee, but of recognition;—if I rightly understand the meaning of such a treaty, it is enough for all the purposes intended. I believe that it means that the signers promise they will acknowledge as valid the successions so laid down, that they will never aid in any attempt to molest or disturb it, but that they hold themselves quite free from any pledge to take up arms in any case for its defence. The history of this treaty also shows that it was intended not so much to secure any special dynasty, though that is an incidental effect of it, as to maintain the integrity of the kingdom. I know of no treaty which offers to those who signed it less plausible excuses for a subsequent violation of it. It was not signed at any hurried moment, nor under the pressure of any immediate exigency; the negotiators were conversant with the antecedent history of the Duchies, they knew of all possible claimants. It was framed to meet this present emergency, and no new interests have since arisen to complicate the action of it. It unites all the conditions necessary to insure the respect and adhesion of all who had ever intended to be bound by it. Unfortunately, that is not the opinion of all the signataries. The King of Saxony was one of the last to sign it. He did so with special deliberation, and he was also one of the first to repudiate it. His Majesty seems to glory in the sacrifice of his kingly faith and royal promise to the shouts of his German followers. Unfortunately, he does not stand alone in his repudiation. This cannot be said of the Sovereigns of Austria and Prussia. Every word they say, every step they take at this moment is of the greatest importance in the history of Europe. I therefore truly rejoice to hear that they declare their continued adherence to the London Treaty, and their determination to respect and to uphold the integrity of Denmark. I rejoice most truly to hear it, because without that assurance I confess I should have arrived at a different conclusion. Until very lately I believed that their Majesties were determined to disregard the clamour of the German mob, and even the legitimately expressed remonstrances of their own subjects, when that clamour and remonstrance tended to a breach of public faith—and I was the more shocked and grieved when I heard of their determination to invade the Duchy of Schleswig—I say "determination," my Lords, because the only alternative offered to the King of Denmark was one of which he could not by any possibility avail himself—and the allied Sovereigns must have known of that impossibility when they made the proposal. His Majesty's reply was almost submission. He declared his own inability to make such concession, but offered immediately to call together those who could—his readiness to urge it on them—and only asked for delay enough to carry out his proposal. I cannot doubt that this moderate proposal was strongly supported by the representatives of England, France, and Russia. If so, their remonstrances had little weight. The only answer was a warning of immediate invasion, and orders to the Austrian and Prussian troops to take possession of the Duchy. The consequence is well known. The result is recorded in the telegraphic news of the last three days—that is the present result—the ultimate result is, indeed, yet unknown. If this local war shall expand into an European conflict, the responsibility of the Emperor of Austria and of the King of Prussia is indeed great. We know not as yet what may be their explanations nor their declared intentions. We do not know of the negotiations which probably are at this moment going on between Her Majesty's Government and the belligerents, or with the other parties to the treaty, and ignorant of all this we cannot form any opinion as to the duty of this country in the emergency—the responsibility must be left to Her Majesty's advisers, and I, for one, believe that the honour and the interests of the kingdom are quite safe in their hands.

Her Majesty has called our attention to Japan, and given us a concise account of transactions there, beginning with the outrages on her subjects, and ending with the reparation exacted. We are indeed in an anomalous position there, my Lords. We feel the full inconvenience of dealing with a people who do not understand, nor profess to respect, that international law to which we can appeal elsewhere. They ignore the only rule by which we profess to be guided. Their Daimios acknowledge the supreme Government of the Tycoon, but neither obey his laws nor respect his treaties. When it suits their interest or convenience they act with the independence of petty Sovereigns. Thus Prince Satsuma did not even wait until we entered his possessions to exercise his authority over us. Even in the territory of the Tycoon he claimed and practised the right of slaughtering British subjects for some imaginary offence on the high road. It was, of course, impossible to overlook such an outrage. In any other country a simple demand to the supreme Government would have been enough, and the Tycoon at once made all the reparation in his power. But it was necessary for ourselves to exact redress also from the offending Daimio, Prince Satsuma. A naval expedition was necessary, and Her Majesty has told us that reparation has been fully exacted. She has also told us of the unfortunate event at Kagosima; but I think that no slur was cast on our humanity. I believe it happened thus:—Our officers were carrying on the requisite operations with the greatest care not to molest the peaceable natives, when a severe fire was opened upon our ships from forts in the centre of Kagosima. It was of course necessary on every account to silence these forts, and it was not possible to do so without inflicting much damage on the peaceable inhabitants of the city; and thus, my Lords, as is often the case in war, the innocent suffered with the guilty, but by no fault of ours. I see no cause to blame any of our officers nor to impeach our humanity.

Her Majesty has directed our attention to New Zealand, where she informs us that an insurrection exists against her authority. We have, indeed, all seen in the daily papers that there is there raging a war between the natives and the Europeans—a war in which one class of Her Majesty's subjects is necessarily employed in the destruction of the other. We must hope with Her Majesty that it may be of short duration. We have not many troops there, but the few we have have distinguished themselves by acts of individual gallantry, which, in a more conspicuous field, would have earned higher appreciation. No war could be more trying to the qualities of a soldier, or to the discipline of an army, than such a one as is now going on in New Zealand. It is in such wars that soldiers forget the control of their officers, and at times give way to acts of revenge or retaliation, which disgrace them as English or as Christian soldiers; but I am happy to hear that no such acts are chronicled in the present war. No doubt that is due to the discipline and influence of General Cameron, one of our most promising officers, who will, I am sure, justify the expectations formed of him by all who have had the opportunity of watching his career, and bring to a speedy termination this unhappy revolt.

Her Majesty informs us that she has concluded a treaty with several of the great Powers, and is about to conclude one with the King of the Hellenes to arrange some necessary details for the cession of the Ionian Islands. Your Lordships are aware that the Protectorate of those Islands was conferred on us, I may almost say forced on us, by a treaty to which many other Powers were parties. Of course, Her Majesty could not divest herself of that Protectorate without their consent; and, unfortunately, the consent of some was clogged by a condition most unpalatable to the Greeks, and even more so to the inhabitants of Corfu—it was the destruction of the fortifications at Vido and Corfu. I believe it to have been most unnecessary; for, no doubt, after they had passed into the hands of the Greeks they would before long have become dilapidated and useless; but, of course, it was absolutely compulsory on us that the condition should be complied with, and the destruction of these fortifications is rapidly progressing. Very soon we may hope to see the arrangements finally carried out. I believe that neither the dignity of the Crown nor the interests of the nation will suffer by it. We shall be relieved of a considerable expenditure every year, and in war we shall be able to concentrate our garrisons in the far more important fortresses of Malta and Gibraltar, and be spared the necessity of detaching considerable forces to defend these outlying Islands.

My Lords, there are many other topics which during the recess have caused much interest; and, though Her Majesty has not spoken of them, it may not be out of place to say a few words about them. There has been great excitement as to the Polish war. It is impossible not to admire the courage of that unfortunate and persecuted people; it is impossible not to admire the determination with which they fight a losing fight in defence of their liberty and their faith; but they must have long known that they could expect no armed interference in their behalf from us. They must have known that we could only aid them by mediation and by friendly remonstrance. All that could be done by mediation has been done. The noble Earl, in concert with other Powers, did all he could to induce the Emperor of Russia to view the history of Poland as it is viewed by other nations, but, I fear, in vain. I do not see that the effort is to be the less commended; I believe no Minister of State would, in such a case, have done less, and I am quite sure that no possible Minister of this country would have dared to do more. It is most important both for us and for the Poles, that they should feel that neither in this nor in any future war must they look for any material assistance from us.

Your Lordships have of course heard that, not long ago, Her Majesty felt herself compelled to decline an invitation from the Emperor of the French to assist by her representative at a European Congress. No one can doubt the pacific intentions in which that proposal originated, nor that the great influence of the Emperor would have been exerted to invest the Congress with the prestige of success; yet I am convinced that the great majority of Her Majesty's subjects cordially approved of the advice given to Her Majesty on that occasion. Few people in this country looked for any practically beneficial result from it. I believe that the great Powers, who, if the Congress had met, would have been there, would have been quite ready to enter into discussion on the affairs of others, but each quite determined to allow no question as to their own rights. I believe the smaller Powers would have looked on it as a signal, if not as an invitation, to resuscitate old claims and to discover or even to invent new ones; and that it would have laid the foundation for many disputes and differences, without much hope of putting an end to those already existing. I rejoice that her Majesty was so advised, but I can imagine the answer to have been given most reluctantly. I have heard that no one in France understands the English character so well as the Emperor—that no one in his dominions so highly values the English alliance. I trust that His Majesty equally well knows how highly we also value the alliance, how important we deem it to the interest of ourselves and of Europe. I trust that he is aware of the respect and attention with which every suggestion of his is received in this country, and with what regret we may find ourselves sometimes compelled, either by circumstances or by our convictions, to refuse co-operation in his projects.

Her Majesty did not allude to the war in America, but we have all of us watched closely the accounts of each successive mail, without, I fear, being able to discern any sign of approaching peace; indeed, we see little change except in the increased bitterness of feeling. From the first our policy has been entire neutrality, and so it must be to the end; conscious of our strength and of the rectitude of our intentions, we must submit patiently to the abuse poured on us by the partizans of either side, or regard it as evidence of our real impartiality. Of late it seems to me that increased vigilance has been required to preserve that strict neutrality. I trust that that vigilance will not be relaxed; and that, if Her Majesty's Government find it necessary, they will not scruple to apply to Parliament for fresh power to control those of Her Majesty's subjects who, for the sake of gain, or from political motives, may seek to go beyond the proper limits of a neutral trade.

I think, looking at the state of affairs in Mexico, that we must all of us rejoice that we did not advance further than we originally intended. That the French could overrun and subjugate the country was not a matter of uncertainty; their difficulties were sure to begin when virtual resistance ceased.

We hear that the Archduke Emperor is about to proceed to take possession of the throne to which he has been elected, but I much fear that his tenure of it will be short indeed if deprived of the support of the French army. The Mexicans are still quite unfit for self-government, and the removal of European troops would almost certainly be the signal for the re-commencement of that anarchy and misrule which was the established government of the country prior to the French invasion. The Emperor of the French could render no greater service to the world than by retaining yet, for some time, the government in his own hands. We, at any rate, may rejoice that we do not share the responsibility which the French have incurred by their brilliant conquest of Mexico.

Your Lordships will hardly expect me to sit down without saying a few words about Her Majesty's Empire of India. The war, which three months ago threatened to occasion so prolonged and so great a waste of blood and treasure, has ended, as wars generally end in India, in the triumph of our arms; but it would have been still more agreeable to have chronicled a year without the necessity of such triumphs. We must hope it may not be renewed next year; but we have now, on the North-West frontier, come into contact with a number of warlike tribes who look on war as the natural state of man, who do not yet know how valuable we are as friends and how dangerous as enemies, and, for a few years yet, they may not allow us that repose we have so long wished for in India. If ever another great war should there arise, it will be found that railways have doubled our power; but I hope the days of great military operations there are over, and that the railways will be left to the more congenial and more salutary work of developing the trade and commerce of the empire, and of assisting forward that which already has somewhat advanced, the moral and physical improvement of the people. There is indeed much at which to rejoice in the state of India, but we have also much to deplore in the news of the last year. Since your Lordships separated in July last, another Governor General has been added to the list of those whose lives have been sacrificed to the climate of India, and the toils and responsibilities of their high office. Thus, in a few years, have been taken from us three of the most distinguished Members of your Lordships' House; three men who from their age might still have done the State good service, and who, from their intellect and experience, might have guided your Lordships and poured a flood of information upon your deliberations. The present Governor General is at any rate well acclimatized, and in possession of those details which must have cost his predecessors so much labour; and we may hope that to him the duties may prove lighter and more harmless. From the rest of Her Majesty's Colonies there is little or no news of importance. No news is said to be good news; so let it be with them. They have now been many years in enjoyment of the rights and advantages of self-government, and I hope they have advanced as much in happiness and civilization as they certainly have in contentment and in loyalty. I know of no more pleasing contrast than that loyalty and contentment now with the state of feeling which I remember five and twenty years ago, when the mother country was always spoken of as an unjust and wicked stepmother. The debt of gratitude is great, indeed, which this country owes to the noble Earl who first introduced the system which has been attended by such happy effects.

Her Majesty has informed us of the continued prosperity of her dominions at home, the increase of the revenue, and the diminished suffering of her subjects in the cotton manufacturing districts. We may, indeed, be thankful that we can hear such words, after the trials through which we have passed. Not long ago, I remember hearing it said that the grandeur of this country was so connected with the importation of American cotton, that any failure in the supply, or even any great derangement of it, would cause an amount of confusion and distress which would extend to every part of the kingdom, and affect every financial or commercial transaction. The blow has fallen on us, and now, after two years' experience, we can say with gratitude and with confidence that the worst is passed, and that that worst has not been any diminution in the actual prosperity of the kingdom so much as a check, it may be only a temporary check, to that increase of our wealth and commerce which we have been accustomed to see chronicled in the Returns of each succeeding year. But, my Lords, if there has been no great decrease in our national power and wealth, we cannot shut our eyes to the fact that there has been, and that there still is, great local and individual suffering. Thousands of strong men found their strength suddenly rendered valueless. Thousands of industrious women found themselves suddenly deprived of the opportunity of all exercise of their industry—thousands of families, hitherto thriving and self-supporting, were reduced to helplessness and a dependence on the bounty of others. There was nothing degrading in that dependence—they bore their sorrows nobly—they knew that they were not caused by any faults of their rulers, but solely by the folly and madness of those over whom no one in the realm had either control or influence; but if they bore their sufferings without impatience, my Lords, not the less must we rejoice to hear that their numbers are diminished. I believe that they are not now much more than half of the number of one period of last winter. Time also, and the ordinary work of trade, is creating a remedy. As Her Majesty graciously informs us, districts before unknown for the production of cotton are now sending no inconsiderable amount of it. Of course, our supply is not equal either in quantity or in quality to that of old; but it is rapidly improving in both, and it may be that before very long we may be in the enjoyment of a supply as good as that of old, and without that precarious dependence on one locality. But I regret to say, that during the last year there has been suffering in other parts of Her Majesty's kingdom, besides in the cotton districts. Your Lordships are well aware that in most parts of Ireland there is no industry but that of agriculture, and consequently a bad harvest is far more disastrous than it can be here. We have in Ireland been suffering from three very bad harvests in succession. The seasons of 1860, 1861, and 1862 were very unfavourable, and consequently, in the summer of 1863, not only was the capital applied to agriculture (always deficient) very much reduced, but there was a great amount of very severe suffering among all classes dependent on cultivation—classes far more numerous in proportion to the entire population than in England. They, too, my Lords, bore their sufferings with patience, and without any increase of crime. Thank God, the harvest of 1863 was a better one—not so good as that on this side of the Channel, but better than the preceding years; and though it will be some time before the agriculturists are quite restored to their former position, there need, I hope, be no apprehension of distress in Ireland this year. In all other parts of the kingdom trade not only flourishes, but is rapidly expanding. I hear it is on a footing unusually sound, and that bankruptcies have been less numerous and less important than usual.

Her Majesty has informed us that many measures for the improvement of law and administration will be brought before the House during the Session, when I am sure they will meet with that attention and careful discussion which they will deserve.

My Lords, I regret that my incapacity and my want of practice in speaking has prevented me from doing more justice to the subject; and thanking your Lordships for the patience with which you have indulged me, I beg leave to move that an humble Address be presented to Her Majesty, as follows:—

"Most gracious Sovereign,

"We, Your Majesty's most dutiful and loyal Subjects the Lords Spiritual and Temporal in Parliament assembled, beg leave to offer our humble Thanks to Your Majesty for the Gracious Speech which your Majesty has commanded to be made to both Houses of Parliament.

"We assure your Majesty that we heartily join in the Expression of Gratitude to Almighty God on account of The Princess of *Wales* having given Birth to a Son; and we offer to Your Majesty our cordial Congratulations upon an Event in which we, in common with all Your Majesty's faithful People, take the deepest Interest, and which we hail with Feelings of devoted Loyalty and Attachment to Your Majesty's Person and Family.

"We assure your Majesty that we fully participate in the Anxiety caused to Your Majesty by the State of Affairs on the Continent of *Europe*.

"We humbly thank Your Majesty for informing us that the Death of the late King of *Denmark* brought into immediate Application the Stipulations of the Treaty of *May*, 1852, concluded by Your Majesty, The Emperor of *Austria*, The Emperor of the *French*, The King of *Prussia*, The Emperor of *Russia*, The King of *Sweden*, The King of *Denmark*, and afterwards acceded to by The King of *Hanover*, The King of *Saxony*, The King of *Wurtemburg*, The King of the *Belgians*, The King of the *Netherlands*, The Queen of *Spain*, The King of *Portugal*, and the King of *Italy*.

"Which Treaty declared that it is conducive to the Preservation of the Balance of Power, and of the Peace of *Europe*, that the Integrity of the *Danish* Monarchy should be maintained, and that the several Territories which have hitherto been under the Sway of The King of *Denmark* should continue so to remain; and that for this Purpose it was agreed that in the event of the Death of the late King and of His Uncle Prince *Frederick* without Issue, His present Majesty King *Christian* IX. should be acknowledged as succeeding to all the Dominions then united under the Sceptre of His Majesty The King of *Denmark*.

"We humbly thank Your Majesty for informing us, that Your Majesty, actuated by the same Desire to preserve the Peace of *Europe* which was One of the declared Objects of all the Powers Parties to that Treaty, has been unremitting in Your Majesty's Endeavours to bring about a peaceful Settlement of the Differences which on this Matter have arisen between *Germany* and *Denmark*, and to ward off the Dangers which may follow from a Beginning of Warfare in the North of *Europe;* and we humbly express the Satisfaction with which we learn that Your Majesty will continue Your Efforts in the Interest of Peace.

"We humbly convey our Thanks to Your Majesty for informing us, that in consequence of the barbarous Murders and cruel Assaults committed in *Japan* upon Your Subjects, Your Majesty considered it necessary that Demands should be made upon the *Japanese* Government, and upon the Daimio by whose Retainers some of those Outrages were committed; that the Government of the Tycoon having complied with the Demands made upon them by Your Majesty's Government, and full Satisfaction having been made, the friendly Relations between the Two Governments have continued unbroken; but that the Daimio Prince of *Satzuma* having refused to comply with the Demands which were made upon him, and which Your Majesty considers to have been just and moderate, his Refusal rendered Measures of Coercion necessary.

"We humbly express to Your Majesty that we share in Your Majesty's Regret that while those Measures have brought this Daimio to an Agreement for Compliance, they led incidentally to the Destruction of a considerable Portion of the Town of *Kagosima;* and we thank Your Majesty for commanding that Papers upon this Subject shall be laid before us.

"We humbly express to Your Majesty our Gratification at learning that there is Reason to hope that the Insurrection which broke out last Year among some Portion of the Native Inhabitants of *New Zealand*, and which still unfortunately continues, will before long be put down.

"We humbly thank Your Majesty for informing us that Your Majesty has concluded a Treaty with The Emperor of *Austria*, The Emperor of the *French*, The King of *Prussia*, and The Emperor of *Russia*, by which Your Majesty consents to give up the Protectorate of the *Ionian Islands*, and also agrees to the Annexation of those Islands to the Kingdom of *Greece;* and for directing that this Treaty shall be laid before us.

"We humbly thank Your Majesty for informing us that Your Majesty is negotiating a Treaty with The King of the *Hellenes* for regulating the Arrangements connected with the Union of the *Ionian Islands* with the Kindgom of *Greece*.

"We humbly assure Your Majesty that we learn with Gratification that the Condition of the Country is, on the whole, satisfactory; that the Revenue has fully realised its expected Amount; that the Commerce of the United Kingdom is increasing; and that while the Distress in the Manufacturing Districts has been in some Degree lessened, there is Reason to look forward to an increased Supply of Cotton from various Countries which have hitherto but scantily furnished our Manufacturers with this Material for their Industry.

"We thank Your Majesty for having commanded to be laid before us a Copy of the Commission which Your Majesty has directed shall be issued, for the Purpose of revising the various Forms of Subscription and Declaration required to be made by the Clergy of the Established Church.

"We humbly assure Your Majesty that we will give our earnest Attention to the Measures of public Usefulness which may be submitted for our Consideration; and that in common with Your Majesty we trust that the Blessing of Almighty God may attend our Deliberations and prosper our Councils for the Advancement of the Welfare and Happiness of Your loyal and faithful People."

Lord ABERCROMBY: My Lords, I have much satisfaction in rising to second the Address which has been so ably moved by the noble Lord; and I am glad to think that he has relieved me of the task of entering into details. My Lords, I am confident that one universal feeling of joy pervades your Lordships' House, as well as all classes of the British Empire, that we are enabled to congratulate Her Gracious Majesty on that most auspicious event which has so lately occurred, and which is so well calculated to dissipate those sorrows which Her Majesty has suffered, and to add strength and stability to the Crown and its present line. My Lords, Her Majesty has met Parliament to-day not without clouds, which, in various quarters of the world, overshadow the political horizon. But it must be a source of sincere congratulation to your Lordships to know that, dark as those clouds are as regards other lands, Providence continues to shed a bright sunshine over Her Majesty's dominions, with one or two comparatively trifling exceptions. My Lords, I now approach the subject of great difficulty, which might have been placed in more able hands than one who is addressing your Lordships' House for the first time. My Lords, I refer to the complications now going on in the north of Europe, and which your Lordships must have witnessed with the deepest regret. The armies of the small German States occupying the Holstein portion of the ducal dominions of his Danish Majesty, and now we find Austria and Prussia hurriedly pushing forward their combined forces to invade the Schleswig territory of His Majesty. My Lords, I am sure it will be found that England has done her utmost firmly to adhere and uphold her treaties inviolate; and, at the same time, using her influence to make the other great Powers who signed the Treaty of 1852 follow her example. My Lords, I am confident that your Lordships will join with me in the same hope, that circumstances may speedily arise which may lead to the satisfactory settlement of the difficulties now existing, and that peace may again be proclaimed throughout Europe. But, my Lords, with what feelings of anguish and remorse must this state of affairs have occasioned Her Gracious Majesty, when she finds those who are nearest and dearest to Her, I may almost say, in hostile array. If ever there was an occasion, my Lords, that the power of England was required for the peace of Europe, this, my Lords, must be the occasion. My Lords, it is a matter of congratulation that, notwithstanding the trials that our commerce has had to endure, although for a while hundreds of thousands of our industrious operatives were thrown out of employment, these trials have, in a great measure, been surmounted, and the most abundant evidence is afforded of the highly flourishing and healthy condition of our commercial interests. My Lords, I deem it unnecessary to trespass longer on your Lordships' patience, and I venture to hope that your Lordships will unanimously agree to the Address, which I now have the honour to second. [*See Page* 18.]

THE EARL OF DERBY: My Lords, I should certainly have preferred it if some other noble Lord had offered himself to the notice of the House before I proceeded to make the observations that have been suggested to me by hearing the gracious Speech which we have heard read to us. But as no noble Lord appears inclined to rise, it is impossible for me to pass over in silence a Speech which touches upon topics of the utmost importance and the deepest interest to the present condition of the country at large, and which it is impossible to regard otherwise than with considerable anxiety. In the first place, I must begin by apologizing to the noble Marquess who moved the Address, if, from my imperfection of hearing, I was unable to follow him through a considerable portion of what seemed to me, if he will forgive me for saying it, his somewhat discursive speech. But certainly, from those of his remarks which did reach me, I could not help entertaining the suspicion that he must have seen an earlier and fuller copy of her Majesty's most gracious Speech than the one before us, and that he had not seen the altered and revised version, from which are omitted so many of the topics to which he has just adverted. My Lords, it is a satisfaction at the commencement of another Session of Parliament again to be enabled to address the Crown in the language of congratulation on a subject deeply interesting to the nation at large, and which serves, perhaps, better than any other to cast a ray of happiness on the sorrow and suffering which Her Majesty has endured. At this time last year we offered our humble congratulations to Her Majesty on the auspicious marriage of the heir to the Throne with a Princess every way qualified, from her high position, to share the high destiny reserved for him, and whose personal beauty and attractions, and the natural and unaffected charm of whose manner, secured for her, from the first moment of her entrance into this kingdom, the admiration and, I may say, the affection of her adopted country. On this occasion we have to congratulate Her Majesty and the nation on the happy issue of that marriage in the birth of a son and heir to the Throne in the second generation; and although, my Lords, happily for this country, monarchical institutions are so firmly established in the hearts and affections of the people, and their attachment to them has been so strengthened by the private virtues and personal qualities of the illustrious lady who occupies the Throne, that it is not with us, as it might be with other countries, a subject of additional congratulation that we thereby obtain greater stability for the Throne or greater security for the dynasty, yet we may be permitted to rejoice at the prospect we have before us of a direct line of succession from the present illustrious wearer of the Crown and her immediate descendants—from a Sovereign who has done so much to cast a lustre upon that Crown, and also to strengthen the hold which monarchical institutions have upon this nation. My Lords, it appears to me that as we advance in life we look with a warmer and kindlier sympathy towards the opening prospects of those who are entering upon that career towards the close of which many of us are verging, and I am sure there is not one of your Lordships who does not view with the deepest interest the happy career before that youthful pair upon the birth of whose heir we are now congratulating the Sovereign. I am sure there is not one of your Lordships who does not offer up a fervent prayer to the Throne of Grace that these bright prospects may remain unclouded, and that, long long after the youngest of your Lordships has passed away from this scene, the Throne of these realms may be occupied by the descendants of the illustrious Prince, and of his new-born heir—

> "Et nati natorum, et qui nascentur ab illis."

Turning now, my Lords, to the other portions of the Speech, I must say I rejoice that I can cordially concur in the congratulations offered to Her Majesty on the generally prosperous condition of the country. It is most satisfactory that, notwithstanding heavy trials, our commerce is increasing, and our revenue amply sufficient to meet the demands upon it; indeed, I may say more than sufficient to meet those demands, because I trust that, if no casualty occurs to check the course of prosperity the country may look for a further alleviation of those burdens which weigh so heavily on its resources. It is true, my Lords, that there is an exception to the general prosperity in the state of those districts which are suffering from the effects of that unhappy and desolating war which distracts the whole or the greater part of the Continent of North America. But even there I concur in the language of the Speech, that this distress has to a considerable extent been mitigated; for although it is still severe and entails great pressure on the population—who have borne it with an amount of courage and patience which has called forth the universal approbation of the country—yet I do venture to entertain the hope that the worst and heaviest of that pressure is at an end, and that from a very few months hence we may date the prospect of a very considerable increase in the industry of the cotton districts. I may be permitted to say that the anticipations formed last year of the probably extended supply of cotton for our consumption in the present year have been realized almost to the letter; and we may therefore look with greater confidence to the anticipations based on fact, which promise us from the end of next April or the beginning of May, a sufficient supply of the raw material to employ the whole of the mills for five days in the week throughout the manufacturing districts. It is satisfactory, moreover, to see from how many different countries we may expect to derive a supply; and even if the war between the Federal and the Confederate States should be brought to an earlier conclusion than I fear it will be, yet I hope that the growth and production of cotton has been so firmly established in other quarters of the world, that we shall never again be placed in the painful position of depending almost entirely upon a single source of supply. I must not, however, lead your Lordships to believe that there may not be serious fluctuations, and even an occasional increase in the present distress, as it is not so much the high price of cotton as the uncertainty in the price which is paralyzing the operations of the manufacturers. High as the price is at present, it is an important fact that the diminution in the consumption of cotton goods has by no means kept pace with the increased price of the article produced, and more especially it is to be remarked that those countries which are the producers of the raw material have been so enriched by the large prices they have obtained for their produce, that the falling off in their consumption of the manufactured article has not been proportionate to the increase of price. But as long as it is uncertain how prices will rule, as long as there is rapid fluctuation from high to low and from low to high prices, so long the manufacturers, for their own self-protection, will abstain from doing more than manufacture to meet the demands of the market, so long they will not venture to lay in stock upon which they may suffer a heavy loss, and so long, consequently, there will be great variation in the amount of distress among the operative classes. Still I may venture to say this in proof of the hopeful spirit which pervades the people in the manufacturing districts, that to my knowledge there are at present either in course of erection or already erected no fewer than 110 new cotton mills which are preparing to start with the first revival of the trade, and that some of them are built upon a scale hitherto unknown, one establishment alone making provision for the enormous number of 5,000 looms. My Lords, there is one other point connected with the internal condition of the country which was adverted to with great propriety by the noble Marquess—namely, the distress which has fallen upon certain districts in Ireland. I must say that distress demands the consideration of your Lordships' House, not that it is possible for your Lordships to apply as remedy, but because it is right that you, who have so liberally, so generously, recognized the patience with which the manufacturing districts of the north of England have borne their sufferings, should pay the same tribute to the patience and good order with which in the south and west of Ireland most grievous privations have been borne. Ireland has had to lament three bad harvests, and there can be no doubt that in many districts the small farmers especially are in a state of the greatest possible difficulty. The depression of the country cannot be better proved than by recent statistics, which show that although an increase has taken place in the quantity of land devoted to pasturage, yet in the course of the last few years there has been not a considerable increase but a considerable diminution in the amount of stock maintained in the agricultural districts. The cause of that diminution I take to be this:—The necessities of the small farmers have been so great that they have been compelled to sell off their stock at an earlier age than usual, and the stock has consequently been reduced, the farmers not retaining a sufficient breed to keep up the quantity. But, my Lords, there is another circumstance connected with Irish distress which must not be overlooked on the present occasion, namely, that enormous and unparalleled emigration which has recently taken place from Ireland—an emigration so extensive that nothing has ever approached it—an emigration, too, the more to be regretted because I am afraid a large proportion of those who emigrate will really serve to feed the unhappy and desolating war in North America. I am afraid also that many who are going away in the hope of finding peaceful employment will find those hopes disappointed, and will entail upon themselves and their families great misery, while they are entering into an atmosphere which is not at all likely to improve their love and affection for the land of their birth. With respect, my Lords, to the prospects of legislation for the present Session, I cannot say that the Speech is very encouraging. We are told that various measures will be submitted for our consideration. That is all, and therefore I think I may say that in this case the performances of Her Majesty's Government cannot possibly fall short of their promises. The only action which the Government announce themselves to have taken is the appointment of Commissioners to inquire into the various forms of subscription and declaration required to be made by the clerical members of the Church regarding the Articles of Faith. A copy of the Commission is to be laid before us, and therefore I shall not now presume to comment upon what its scope and object may be; but from what I have heard, I am afraid that the object of it is so extremely minute, as compared with the magnitude of the machinery put in operation, that it will do but little to settle any of those questions to which public attention has recently been attracted. I am sure it is not sufficient to satisfy my noble Friend who has so frequently brought the subject of subscription under our notice; while, on the other hand, I am afraid it may lead to the renewal of a critical agitation without producing any but the most trifling results. So much, my Lords, for the prospects of domestic legislation, and for the present internal condition of the country. I will now proceed to the consideration of a much more serious and much more anxious question—namely, the position in which we stand with regard to foreign countries, and the perilous position in which the peace of Europe is at this moment placed. My Lords, foreign policy has been for the last two or three years that upon which Her Majesty's Government have mainly rested their claims to public confidence. As soon as that very ingenious, if I cannot say very ingenuous, stratagem by which the noble Earl (Earl Russell) obtained office had served its purpose—as soon as he had obtained office by the declaration that Parliament was dissatisfied with the modicum of Parliamentary Reform offered by his predecessors, and that the country could never be satisfied, and ought never to be satisfied, until a much more extensive measure were carried by the Government—from the moment at which that pretext had served its purpose, I need not remind your Lordships how feebly, how faintly, the noble Earl and his Colleagues attempted to realize their programme. Nor need I remind your Lordships that the great expectations held out by the noble Earl were defeated, not by the opposition of the noble Earl's predecessors, but by the voluntary abandonment of that measure by himself and his supporters in the House of Commons; and that a very short time ago, when the noble Earl, after retiring from his labours in the Lower House to the serener atmosphere of your Lordships' Benches, pronounced the funeral oration of his defeated Bill, he sang its *requiescat in pace*, and while congratulating himself on having attained the summit of his wishes, declared that he was now disposed and advised his friends to "rest and be thankful." From that time, my Lords, foreign policy has been the main groundwork of the confidence which the country was called on to place in Her Majesty's Government. I trust that in the position in which we stand it will not be thought that I am wandering from the subject if, in order to enable your Lordships to judge of the full gravity of that position, I examine somewhat at length what has been the course of policy pursued by Her Majesty's Government, and what is the degree of consideration which they have obtained for us in foreign countries. My Lords, I think that at the commencement the foreign policy of the noble Earl opposite might be summed up in the affirmation of the principle of non-intervention in the internal affairs of other countries, the extension of Liberal principles by the exercise of our moral interference, and, above all, the maintenance of uninterrupted and cordial relations with the Emperor of the French. We were told more than once that the present Government was the only one to maintain a good understanding with the Emperor of the French, or, at least, that its predecessor could not possibly have done so; and that if the country desired to preserve cordial relations between itself and France, Her Majesty's present advisers, and especially the noble Earl opposite, were the only persons qualified to secure that most desirable object. Now, my Lords, as to non-intervention in the internal affairs of other countries, when I look around me I fail to see what country there is in the internal affairs of which the noble Earl and Her Majesty's Government have not interfered. *Nihil intactum reliquit, nihil tetigit quod*—I cannot say *non ornavit*, but *non conturbavit*. Or the foreign policy of the noble Earl, as far as the principle of non-intervention is concerned, may be summed up in two short homely but expressive words—"meddle and muddle." During the whole course of the noble Earl's diplomatic correspondence, wherever he has interfered—and he has interfered everywhere—he has been lecturing, scolding, blustering, and retreating. In fact, I cannot think of the foreign policy pursued by the noble Earl and his Colleagues without being reminded of another very distinguished body of actors commemorated, as your Lordships will recollect, in *A Midsummer Night's Dream*. Of that celebrated troupe the two chief ornaments were Bottom, the weaver, and Snug, the joiner. Now, it appears to me that the noble Earl opposite combines the qualities which are attributed to both those distinguished personages. Like Bottom, the weaver, he is ready to play every part, not even excepting that in which he most excels—namely, "Moonshine." But his favourite part is the part of the lion. "Oh," says the noble Earl, "let me play the lion. I will roar so that it will do any man's heart good to hear me; I will roar so that I will make the Duke say, 'Let him roar again; let him roar again.'" The noble Earl, too, knows as well as anyone, how, like Bottom, to "aggravate his voice," so that he will "roar you as gently as any sucking dove;" and, moreover, he has had recourse more than once to the ingenious and somewhat original device of letting half his face be seen through the lion's neck, as if to say, "For all my roaring I am no lion at all, but only Snug the joiner." There is, however, one point of difference which I would have you observe, because it is rather important. Bottom, the weaver, and Snug, the joiner, were possessed by an earnest desire not to alarm the ladies too much, and consequently they gave due warning at the outset of their intentions that the audience might not be alarmed. On the other hand, the noble Earl's disclosure that though the roar was like that of a lion, the face was only that of the noble Lord himself, was not made betimes in order that the audience might not be frightened, but only because he found that all the roaring in the world would not frighten them. Seriously, my Lords, for though there may be something ludicrous about it, the matter is of too great importance to be treated only in a light and jocular manner —seriously, then, I cannot but feel as an Englishman that I am lowered and humiliated in my own estimation and in that of other nations by the result of the noble Earl's administration of foreign affairs. Thanks to the noble Earl and the present Government, we have at this moment not one single friend in Europe, but that this great England—this great country whose failing, if it was a failing, was that it went too direct and straightforward at what it aimed, which never gave a promise without the intention of performing, which never threatened without a full determination of striking, which never made a demand without being prepared to enforce it—this country is now in such a position that its menaces are disregarded, its magniloquent language is ridiculed, and its remonstrances are treated with contemptuous indifference by the small as well as by the great Powers of the Continent. We have heard a great deal, my Lords, of harmony and good understanding with France. If we really are on a footing of cordial understanding with France, all I can say is that the Emperor must be the most forgiving and forbearing of all earthly potentates; because there is scarcely a question of recent times on which we have not, I will not say purposely, but at least uniformly, opposed his policy and placed him in a situation which must have been painful to his feelings and very humiliating to his pride. I find no fault with the noble Earl for withdrawing from co-operation with the Emperor of the French in regard to the affairs of Mexico as soon as a considerable change was apparent in the project. At the same time, when this question first came under discussion I took the liberty of expressing regret that we should have exposed ourselves to possible inconvenience and embarrassments by the course we took, and that we did not on our own part make demands and enforce the claims which we had made with respect to Mexico. And, although I do not blame the noble Earl for withdrawing from the enterprise when it was found to be of a more extensive character than it had been at first contemplated, still that was an act which exposed our conduct to unfavourable consideration on the part, at all events, of the people of France, and added to the difficulties of the Emperor of the French in carrying out that scheme. Then, my Lords, it is notorious that the Emperor was very desirous of taking steps, at any rate, towards the recognition of the Confederate States. Rightly or wrongly, the noble Earl opposed that idea, and the Emperor, with an earnest wish to co-operate as far as possible with this country, shaped his policy in accordance with ours, and accommodated his views to it. I must now, my Lords, call your attention to a matter which has had some grave consequences. What was the next question into which we were brought into intimate combination with the Emperor of the French? It was the painful, embarrassing, and difficult question of last year—the condition of Poland, and the representations to be made on the subject to Russia. There is no doubt that in this country and in France also there was a very serious and cordial sympathy with Poland. There was a very earnest respect for the gallantry, bravery, and patience with which the Poles had fought the battles of their country, and there was a general conviction that they were suffering from an amount of oppression that was sufficient to rouse the feelings and excite the indignation of Europe. It was determined that the Emperor of the French, the Emperor of Austria, and Her Majesty should engage in a joint representation to the Emperor of Russia in favour of Poland. The terms of that representation were not identical; and I cannot but think, as I ventured to say last year, that the noble Earl considerably increased the differences and embarrassments of the situation by founding the demands of England on a right which we derived from a treaty, the non-fulfilment of which must place us in an awkward relation to Russia. The representations of France and Austria were made in a very different sense, but with the same object and intention as ours. I ventured also to ask the noble Earl at the time whether France, Austria, and England were entirely in accord as to the steps which should be taken, in the event of the joint representations to the Emperor of Russia being disregarded; and I pointed out the extreme inconvenience which must result from such a combination if the parties were not agreed as to the manner in which they would give effect to their recommendations. Well, to add to the difficulties of the case, at the very moment when we were waiting with anxiety for the account of the Emperor of Russia's receipt of our representations, couched in that persuasive style, and containing those conciliatory arguments to which I have adverted, the noble Earl took the opportunity of stating in this House that deeply as he sympathized with Poland, and although he had demanded from Russia concessions under a treaty which we had a right to enforce, yet, whatever might be the reply of Russia, he would not go to war with her on account of Poland, and the Poles must not expect any armed assistance from us under any circumstances. This conduct, on the part of the noble Earl, was ruin to Poland — more than that, it was an aggravation of her injuries. The noble Earl must have known that when we said we would not lend a helping hand, France and Austria would equally refrain, and that, as far as their means went, the Poles were absolutely powerless to make an effectual resistance. At the same time, however, the noble Lord gave the Poles an amount of encouragement which protracted the struggle, aggravated their sufferings, and brought on that unhappy country even greater calamities than it was then enduring. But what, my Lords, was the result to England? The demands of England, calling for the fulfilment of a treaty, were met by a rejoinder in that tone of stinging courtesy for which Russian diplomacy is so eminently celebrated. The noble Earl received a decided rebuff. He was told that England had better mind its own business, that the Emperor of Russia knew best how to deal with his own subjects, and that he would not submit to any foreign interference in that respect. And then, forgetting all his magniloquent threats, and not carrying his high words into action, the noble Earl told this House that the Emperor of Russia was influenced by beneficent intentions towards the Poles. But the noble Earl's pacific declaration was not made until France and Austria had been committed to participation in that policy, and they were consequently placed in the painful situation of having to follow our steps, and to share the humiliation which attended them. That is the third instance in which we have assumed an attitude not calculated to add to the cordiality of our relations with France. At the same time, I doubt whether these circumstances would be likely to put you on much better terms with the Power to whom you addressed such an insulting demand. Very recently, in the presence of increasing differences and embarrassments occurring in so many parts of Europe, the Emperor of the French made a proposition for a general Congress, in which these various questions might be considered, and an attempt made to bring about a common understanding in regard to them. I concur with the noble Earl in thinking that there would have been great difficulty in accomplishing that project. The objections which would be raised had not, perhaps, been sufficiently contemplated by the Emperor of the French when he first made the proposal. If, however, there was a country in all Europe which had less reason than another for giving a positive refusal to have anything to do with the Congress it was England, because there was no question which could by any possibility be decided by it which directly affected our interests. The course which should have been pursued by the Government was to recognise the laudable and beneficent intention of the Emperor of the French in making such a proposal; to point out that England had no interest to serve by opposing it, if there was any prospect of success; to declare that we should be only too happy to co-operate in so excellent and well-meaning a design as the settlement by arbitration of the difficulties which disturbed Europe, if the other countries whose affairs would be brought before the Congress would submit to its authority and abide by its decision. If after that the scheme of a Congress had failed, it could not have been attributed to the hostility of England, but to the inherent difficulties of the case. But as it was, in the face of Europe, when every other Power expressed more or less a readiness to concur in carrying out the objects in view, the noble Earl opposite met the proposition by a blank refusal to have anything to do with it, and by pointing out in the strongest possible terms all the objections that could possibly be entertained to the meeting of such a Congress. Moreover, to add to the discourtesy—I say nothing now of the impolicy—to add to the painful feelings with which the Emperor of the French and the French people were likely to be impressed by the course pursued by the noble Earl in giving an absolute refusal, the first intimation—and

I am sure that I shall not be contradicted by the noble Earl when I make this statement—the first intimation which the Emperor of the French received of the decision of the English Cabinet was by reading the despatch in *The Times* newspaper. Now, if you treat great Powers with this utter disregard of their feelings and wishes, if you bluntly refuse to lend them a helping hand in order that they may at any rate tide over possible difficulties, supposing that there was no other intention in the Congress but that, how can you expect when you are in a position of difficulty and when you call on them that they will give you mutual assistance and advice in cases not affecting their personal or national interests? But there is another great and grave reason why the noble Earl should have considered deeply before refusing to entertain the proposition of a Congress. He must have known that there was one question impending of the greatest gravity and the most urgent interest. He must have known that a question long at issue between the Danish monarch and the people of Germany was coming to a point of the greatest, most critical, and deepest interest; and if the Congress, or the proposition to hold a Congress, had only postponed for three or four months the active struggle which has since taken place, there would in that case have been a better prospect than I fear there now is of preserving, or, I should rather say, of restoring—for it is too late to speak of preserving—the peace which is already broken. With respect to this grave question, which is the subject of all-engrossing interest at the present moment, I do not think that any one reading the Speech from the Throne, and who is not very familiar with the case beforehand, would have been able to collect from the terms of the Speech what really is the question of pressing difficulty at the existing moment, and threatening the interruption of friendly relations. Her Majesty's Speech recites, with very great and very unusual minuteness, the names of all those who were parties to the Treaty of 1852 for securing the succession to the Throne of Denmark. The recital is somewhat unusual; but I do not complain of that. I presume that the object was to show how many parties have pledged themselves to the arranged succession to the Throne of Denmark. I would, however, in passing, make one observation in reference to the statement that the treaty was acceded to by the King of Saxony. Though I do not lay much stress on the argument, yet it is stated on the part of that Sovereign that he never acceded to the treaty, but gave his assent to it. But that very fact made it the more binding than accession to the treaty with reservations, for the assent was *pur et simple*, recognizing the wisdom of the treaty, and makes no reservation, at the same time, with respect to some possible contingent claim on the part of the King of Saxony's own House to a portion of the small Duchy of Lauenburg. It could not be said that when the assent was given that any possible reservation was made; and the King of Saxony, therefore, precluded himself from using that argument in the subsequent discussion with respect to Holstein. I cannot help thinking, in so solemn a document as the Speech from the Throne, which recites the object of the treaty, and also with so much minuteness the names of the parties to it, that it would have been as well if the very words of the treaty had been given, and the more especially because the omission of the words had afforded the opportunity of inserting in one of the paragraphs such English as does not often appear even in a Speech from the Throne. The Queen's Speech states—

> "That Treaty declared that it is conducive to the preservation of the balance of power and of the peace of Europe that the integrity of the Danish Monarchy should be maintained, and that the several territories which have hitherto been under the sway of the King of Denmark should continue so to remain."

That is the substance of the treaty certainly, but it would have been better to quote the precise words. The treaty declared that the contracting parties—

> "Taking into consideration that the maintenance of the integrity of the Danish Monarchy, as connected with the general interests of the balance of power in Europe, is of high importance to the preservation of peace; and that an arrangement by which the succession to the whole of the dominions now united under the sceptre of His Majesty the King of Denmark should devolve upon the male line to the exclusion of females, would be the best means of securing the integrity of that Monarchy."

The object was to secure the integrity of the Danish monarchy, and the making a change in the course of succession was supposed to be the best means of carrying out that intention. I certainly think that, instead of using that elegant phrase in the Queen's Speech, that "the several territories which have hitherto been under the sway of the King of Denmark should continue to remain so," it would have been much better to have given the terms of the treaty, though I do not question that the actual meaning is expressed, and make no quibble on that point. The Queen's Speech goes on to say, that—

> "Her Majesty, actuated by the same desire to preserve the peace of Europe, which was one of the declared objects of all the Powers who were parties to that treaty, has been unremitting in her endeavours to bring about a peaceful settlement of the differences which, on this matter, have arisen between Germany and Denmark."

Now, the difficulties which have arisen between Germany and Denmark have nothing to do with this treaty. They have nothing to do with the succession, but with a cause totally and entirely different; and it was not until the death of the late King of Denmark, that the question of the succession was introduced to complicate the original grounds of the discussion. It is very important to draw a distinction between these two questions, which are entirely different. The question so long at issue was the fulfilment or non-fulfilment by Denmark of engagements entered into in 1851, to which the Treaty of 1852 made no reference. I do not deny that so far as Austria and Prussia are concerned, those engagements were inducements to lead them to concur in the treaty; but, at the same time, the treaty is not conditional on those arrangements. Her Majesty's Speech is, therefore, I am sorry to say, made to state on this point that which is not the fact. Now, this is a matter of very considerable importance, because the case is considerably complicated by the different positions which, since the death of the late King of Denmark, have been taken up by the greater Powers and the smaller Powers in Germany. At the present moment there are two interventions, if I may call them so, in Denmark, and these two interventions are being carried on by different parties, and for evidently different objects. I will not trouble you with all the phases through which the negotiations passed, or the attempts that were made to fix upon some middle course which would satisfy both parties. The engagements had reference to rights claimed on behalf of the Duchies of Holstein and Schleswig, and the question remains, how far has Denmark contravened the engagements as to the rights, liberties, and privileges she was to give to those Duchies, and under no circumstances to incorporate Schleswig with the Danish monarchy, or to take any step tending to that result? These were the whole of the questions which, up to the present year, were in dispute between the Powers of Germany and Denmark. But the position, since the death of the late King, has become materially altered, and has resulted in the Federal occupation of Holstein. The Federal occupation is admitted to be legal, for the purpose of enforcing the Treaty of 1851 to secure the rights of the Duchy. What was the object of the Federal execution, and against whom was it directed? Before the Federal execution could be carried out, the Sovereign against whom this execution was directed must have been recognised as the Sovereign who is held responsible for non-performance of the engagements; but the minor German Powers commenced the execution, and at the same time refused to recognise King Christian IX. as Sovereign, while they permitted the pretences of one of whom I will say nothing more than that his claim has been absolutely rejected, and never brought forward since the Treaty of 1852. But there is something more than this in the absurdity of the whole question. The Federal execution was for the purpose of maintaining and securing equal rights in the united monarchy; but those who contended for this equality of rights, have striven to disunite the monarchy, and contend for equal rights under two separate Sovereigns. These things, on both sides, present such a multitude of complications, that I hardly know how to deal with them. Austria and Prussia are by no means disposed to rest their claims on the repudiation of the treaty and the conditional acceptance of the claims of the Danes; they proceed to take the matter into their own hands, but professing their profoundest respect for the judgment of the Diet, and acting as their mandatory, and at the same time acting without the consent of the Diet. Then we have the King of Prussia taking up arms for the vigorous prosecution and strenuous defence of constitutional rights, and the Emperor of Austria joining him in a crusade for the defence of oppressed nationalities; and these two great Powers, recognising the treaty that the minor Powers desire to set aside, undertake, as the mandatory of the minor Powers, to carry on war against Denmark for objects totally different from those contemplated by the Diet. This is the state of the question at the present moment; but I cannot avoid thinking that with a little good judgment, a little good management, and a little good temper, it ought to have been settled without a frightful appeal to arms. Surely it could have been no difficult fact to ascertain—if the parties were willing to listen to reason—as the case was one in which the intervention of a friendly Power might be applied—whether a certain engagement entered into by Denmark had or had not been fulfilled, or whether one of the parties was not demanding more than it was entitled to. I do not question the right of Prussia to ask for a fulfilment of those engagements to the utmost; I do not question the duty of Denmark to fulfil them as far as actually possible—to fulfil them as far as that is not rendered impossible by one of the parties opposed to Denmark; but I say that if when this question arose this country had occupied the position she ought, she would have been in a position to play the part of mediator, and that the circumstances might have been adjusted by a little good management on the part of the Foreign Office of England. But how could you have expected that Germany would yield to your interference in this case? In this quarrel there is a people who believe they are struggling for their liberty and independence. That fact will gain them great sympathy in Europe, more especially because they are carrying on the struggle with a force disproportionate to the necessities of the case; but how could you have expected that your interference would be effectual when you had alienated France, offended Russia, and more or less quarrelled with every Power in Europe?—when you had not a Power you could call your friend, and, moreover, when the danger which threatened you in this complication was a dangerous and destructive war between England and all the united Powers of Germany? What could be more threatening to the peace of Europe than England being committed to a sanguinary quarrel with the whole of Germany in a case in which, whether rightly or wrongly, the feelings of the people of Germany are enlisted on one side, and are excited as those of one man. For my part, I certainly should shrink from such a war as one of the greatest disasters that could happen to this country. I do hope that the noble Earl, who must this night give us a clear indication of the course which Her Majesty's Government propose to take in respect of their foreign policy, more especially on this question—will be able to assure us that we are not committed by the Government, on the one hand, to a disastrous quarrel with Germany, or on the other, to a betrayal and abandonment of an ally who has trusted to our support and protection. I have not seen it argued, and indeed I think it could hardly be alleged, that Parliament should indicate the policy which the Government should adopt. There is a sound and constitutional doctrine that it is for the Government—for the responsible Ministers of the Crown—to take a decided course, and then to announce that course and submit it for the consideration of Parliament for their approval or condemnation. I do not pretend to know the position of affairs we stand in; but, as far as I can see, we are between the horns of a dilemma of a most formidable character—namely, the sacrifice of the honour of the country on the one side, and engagement in a most perilous and sanguinary war on the other. My Lords, while I regard this as a subject of the most painful interest to England, I would implore Germany to consider what consequences such a war must entail on her, not only in breaking up of old relations, the severing of friendships—the severing of ties between countries in which there exist almost ties of consanguinity—but also in giving an opportunity to all those opposed to the stability of her institutions—all those who are desirous to profit by anything that may tend to disorder and confusion—to all who envy that growing prosperity of Austria which is owing to the constitutional course that she has so wisely entered upon. A war with England would stop Austria in that course, and England would be in the unhappy position of being an unwilling and unconscious participator in pouring forth that torrent of evil which certainly would be set flowing. And without casting the slightest imputation upon the present intentions or possible designs of France, Germany must see that a war with England would leave her in such a position as that France would be master of the situation. If France does entertain ambitious designs, the moment would be one to Germany of the greatest peril, and to France of the greatest temptation. My Lords, I brought this subject forward with all the grave, earnest, and deep importance that attaches to it. I will not comment on other portions of the Speech. There will be other opportunities for discussing the subjects to which they relate. I will not allude to what has taken place in China, nor to what has taken place in Japan, further than to say, with regard to the former empire, that I think this country was saved by an act of the Emperor of China from a very serious embarrassment. I rejoice that His Imperial Majesty refused to accept the assistance of a British squadron under such circumstances as only it could have been given to him. I do not blame Captain Sherard Osborne; on the contrary, I commend him for the judgment and prudence which he exhibited in refusing to place himself under the orders of a mandarin, and becoming responsible for the acts of such an official; but it seems incredible to me how the idea could ever have entered the minds of politicians that the Emperor of an independent country would accept the offer of a force on the understanding that his orders to that force were only to be obeyed when forwarded through a Civil Commissioner, who was to have the power of sending or withholding them. That would be a question entirely incompatible with that of a free Sovereign; and if such an arrangement were carried out it would create difficulty. I am only afraid, from accounts which have been received within the last few days, that assistance given by this country in the civil war in China has placed us in an unpleasant and a painful position. I will not comment on that extraordinary piece of diplomacy—namely, the surrender of the Ionian Islands to the kingdom of Greece. I say nothing as to the surrender itself, but only as to the mode in which it has taken place. The whole proceeding seems to have been involved in inextricable confusion. The promises which the noble Earl made and the expectations which he held out have been set at nought; and an agreement has been come to with the other Powers to hand over the islands without any condition whatever to the kingdom of Greece, that kingdom being in a state of anarchy, and in a state which renders it quite incapable of conducting its own affairs without assistance, and being under the government of an illustrious Prince, a young man who, I am afraid, on the advice of the noble Earl, with more courage than discretion, undertook a task which, I think, he will find extremely difficult. We find, too, that in this particular case, as well as in every other case in which the noble Earl has meddled, he has offended not only one side, but both sides. Again, it would appear, that notwithstanding the concessions which the noble Earl has made to the Federal States of America in carrying out what he calls neutrality, but what I am afraid I must call one-sided neutrality, he has received from these States not thanks, because I believe that papers which have been laid before the Senate of the United States show that we were met by demands and menaces, which I should be much astonished if any one calling himself a British Minister must not have felt a difficulty in receiving when the despatches containing them were placed in his hands. Since then we are not only told that the American Government will hold us responsible for any damage which their commerce may have sustained by the acts of the *Alabama;* but if I have not misread the papers laid before Congress they state, that if we do not put a stop to the sale of vessels of this kind in this country, the result must be that the Federal Government will take the law into their own hands, that their cruisers will follow these vessels into British ports, and will, in British waters, maintain their own interests. My Lords, I hope the noble Earl will be able to show that he has answered that despatch in a manner which will put an end to such monstrous demands for the future. But, if I am not mistaken, the last despatch from Washington was written about August and was received here towards the latter end of August, and early in September the noble Earl took the strong step of seizing the so-called Confederate rams in the Mersey upon that very suspicion as to which, a year before, the Attorney General informed Parliament that the Government would not be warranted in interfering. Well, then, my Lords, if you have not satisfied the Federals, neither have you satisfied the Confederate States by the way in which the noble Earl has carried out his principle of neutrality. You have not satisfied the Poles and you have offended Russia. You have not very well pleased Denmark, and you have quarrelled with Prussia and Austria. You have not satisfied the Ionian Islands or Greece, although you have given to both of them all and more than they have asked; but you have contrived to couple it with conditions very proper in themselves, but which are mutually unpalatable, and which, up to a very late moment, led to the refusal by the Greek Government, such as it is, to accept your gift of the Ionian Islands burdened with those conditions. I cannot say that in looking back at the general line of policy adopted by the noble Earl, and the degree of success which has attended his efforts as the head of the Foreign Office, such a retrospect is calculated to diminish my apprehensions of the present, or to inspire much confidence for the future. I earnestly hope and pray that the Government may be able to satisfy this House and the country that they have neither taken any course likely to involve us in a war, the issue of which no man can foresee; nor, on the other hand, have led on and then deserted a weak Power, which, confiding in our protection, and acting upon our advice, now finds itself abandoned in the hour of its utmost need. This is my earnest hope; yet I cannot but see that the vessel of our State is in a most perilous position, that it is surrounded by breakers and dangers on every side; and, for my own part, I have not—I wish I had—the consolation of being able to repose any confidence in the competence of the hands in which its navigation is now placed.

EARL RUSSELL: My Lords, there is one part, and only one part, of the noble Earl's speech with which I completely agree. I concur entirely in the congratulations which it is proposed that we should offer to Her Majesty upon the birth of a son to the Prince of Wales — congratulations which I am sure will not only be concurred in by your Lordships, but which reflect the feelings of the whole nation. But I will now proceed to the comments which the noble Earl has made upon my conduct. He began with a good deal of wit and with a good many facts. But while his wit was excellent in itself—indeed, there could be none better, seeing that it was all Shakespeare's—the facts of the noble Earl, which were entirely his own, had no more foundation than the story of Bottom the Weaver himself. The taunt which Sheridan applied to one of his opponents might, indeed, be applied to the noble Earl—that he has gone to his memory for his wit and to his imagination for his facts. As to the expressions which the noble Earl put into my mouth, they were never uttered, and therefore have no need to be retracted. The noble Earl says that we have lost the confidence and friendship of certain Powers; but, my Lords, the fact is there are many of those Powers whose friendship we retain, and with whom communications are carried on most amicably, thus showing the confidence of those Powers in this country. The noble Earl says that our policy consists in non-intervention in the internal affairs of other countries, and in maintaining an alliance with the Emperor of the French. Now, I confess I feel that in almost all cases—with very rare exceptions—intervention in the internal affairs of foreign countries is not only unjustifiable in itself, but almost always fails in its object and aggravates the evils which it is intended to remedy. The experience we have had of late has but confirmed me in that view. But then the noble Earl goes on to say that our principle being not to interfere in the internal affairs of foreign countries, we have differed from France upon certain questions. Now, if the noble Earl means to adopt the policy attributed to a very eminent man, who was a Colleague of his when in office, and who leads the party in the House of Commons, our policy ought, in his opinion, to be that of immediately accepting whatever France proposes, of immediately joining whatever expedition she suggests; that we should have no opinion, no will of our own, but that the will and the policy of France should govern all our feelings and interests—my Lords, I cannot, as a British Minister, accept the policy which has been thus suggested by the leader of the Opposition in the House of Commons. With regard to Mexico, we stated over and over again, in entering into the Convention, that we did not go there to interfere in the internal affairs of the country, and did not mean to impose upon the Mexicans a Government of which they did not approve. The French Government said that they could not treat with the existing Government of Mexico. We said, however, that the question of the Government was not that which we had come to Mexico to deal with; and Sir Charles Wyke, therefore, very properly, and with the full approval of Her Majesty's Government, declared that we must separate ourselves from the French. The Spanish Minister held the same language. We went to Mexico to obtain redress for our own grievances, and reparation for the injuries we had suffered; we did not go to set up an Emperor or any other form of Government; and yet part of the blame cast upon us by the noble Earl is for separating ourselves from France in this matter.

THE EARL OF DERBY: I beg the noble Earl's pardon. I said distinctly that when the objects of the expedition were expended, I did not blame Her Majesty's Government for withdrawing from that expedition.

EARL RUSSELL: Well, but what, then, was the noble Earl's reason for dwelling on that topic? If to differ from France be an offence, how could we help offending her on that question? My opinion on these matters is very different from that of the noble Earl. I think that, though on some questions which arise the Emperor of the French may pursue a different policy from that which we follow, he gives full weight to the consideration that the policy which may suit the French nation may not be the policy which the British nation prefers. I believe that the Emperor is too just to attribute such a difference of opinion to anything but a regard for the policy which we think right, and which we think the interests of this country call upon us to pursue. Then, the noble Earl says that we differed from France about the recognition of the Southern States of America. Now, no such proposal was ever made to us. There was a proposal that we should offer our good offices in order to reconcile the North and the South; but it was tolerably obvious that if the proposal was made by two such Powers as England and France and rejected, the proposal for a recognition of the South must soon follow. We felt that the proposal would irritate the Northern States, would fail of effect, and that there was much better chance of a reconciliation between the North and South by our abstaining from such a proposal. I believe that even the noble Earl approved of that decision. I certainly am convinced that the whole country concurred in the policy which we then pursued.

The noble Earl next turned to a very painful subject—that of Poland—and he has accused the Government of acting upon their own views in this matter, of disappointing Austria and France, and of declaring that we did not mean to go to war, thereby aggravating the sufferings of Poland. Now, in the first place, among the many inaccurate statements of facts which the noble Earl has made, it is not a fact that we acted entirely by ourselves and differed from Austria upon this subject. On the contrary, we had constant communication both at Vienna and in London with the Austrian Government, and had ascertained that upon considerations of Austrian interests, taking into account the finances of the empire and the 4,000,000 of Polish subjects of Austria—they would be most unwilling to push their differences with Russia to the brink of war. I had to look at what was for the interest of England, and to consider the general aspect of the question. My belief is, that we should have had not to recognize Poland, not to fight for Poland, but to make a Poland; and to make a Poland such as the people of that country desired, we must have established not only the ancient kingdom, but also included what are called the western provinces of Russia, which were formerly a part of Poland. A question so enormous, involving the dismemberment of the Russian empire, was not to be undertaken without the clearest view that the objects sought would be attained, and that Her Majesty's Government held strong, if not confident, hopes that the good to be obtained would be equivalent to the great sacrifices required. It was the opinion of Her Majesty's Government that it was not advisable to enter upon such a war, and therefore I confess that, in concert with Austria, we declined to take any step which might involve us in the further step of hostilities against Russia. When it was proposed to us to write an identical Note to Russia, which might be regarded as a menace, we declined. When it was proposed to us to consider what further measures should be adopted in case Russia should refuse our proposals, Her Majesty's Government, in concert with Austria, declined to go into that consideration. Were we wrong in that, not intending to fight for Poland? Were we wrong in confining ourselves to expressions of sympathy for a brave people, and refusing to commit ourselves to hostilities against Russia? I believe the opinion of this country was at that time, and is still more strongly now, against going to war for Poland. But have we thereby aggravated the evils of Poland, as the noble Earl tells us? I thought differently. I thought on the contrary, that telling the Poles we were not going to war was not a way to give them false hopes or to lead them to expect that our arms would be used in their favour; for I believe it would be the most cruel thing in the world to induce a people to take up arms and to fight in expectation of our support, which support, in the end, we did not intend to give. Entertaining these views, I declared plainly in this House that we did not intend to go to war for Poland. The decision may have disappointed the Government of

France at that moment, but I believe the Government of France is now persuaded that the people of France were not willing to enter upon such a war, and that the inclination of the French people—and I am happy to see that such is the case—the inclination of the French people is in favour of peace with foreign nations, and therefore the nation would probably not have approved their Government entering upon a costly and burdensome war to establish the independence of Poland. But then we are told we have not agreed with the Emperor of the French upon the subject of a Congress. I confess I considered that that proposal was made to us as an invitation. I did not consider that there was an obligation upon us to accept it, but that it was free to us to accept or to decline. If that be the case, as I believe the Emperor of the French intended it to be, we had to consider what it was intended to do at that Congress. We therefore asked, in the first place, what were the topics to be brought forward, and how any difficulties arising upon them were to be got over. When we got an answer to that inquiry we considered the matter again—we considered it most carefully and most seriously, and we came to the conclusion that the solution was not likely to be pacific, but that if it was pacific it would be a great disappointment to the Powers of Europe to find that the work of the Congress would be null and void. That was our decision, and were we wrong in that? The two main topics to be brought forward were Poland and Venetia. As to Poland, it would have had reference to the course pursued by Russia. I communicated with the Russian Ambassador, and asked him what he supposed would be the course of Russia at the Congress? and the answer was that the Emperor's Government would only maintain that which he had already maintained in the correspondence with France, Great Britain, and Austria. I asked the Austrian Ambassador what would be the course of his Government in regard to Venetia. He said that the Austrian Government was determined not to listen to any proposal for the cession or exchange of Venetia. What, then, would have been the result of submitting those two great topics to a Congress? If a proposal had been made to Russia on the subject of Poland, the answer would have been a refusal. If Austria had been asked about Venetia her answer would have been a refusal. And, then, what was to be the end of the Congress? Were we to be brought into war on account of those refusals, or were we to be satisfied with nothing being done? Those were our reflections, our honest opinions. The noble Earl seems to think our reply was rather rude and curt; but we expressed our views in two rather long despatches. We stated in one despatch that we gave the Emperor of the French full credit for the motives which had induced him to make the proposition, and to seek to place the general peace of Europe upon more solid bases; and in another despatch we stated that we regarded the proposal as a proof of the interest felt by the Emperor for the welfare of Europe. Therefore, as to motives, we gave the Emperor of the French every credit for the excellence of the motives which influenced him. But as to his reasoning, were not the British Government entitled to form their own opinion, to use their own arguments, concerning a great step proposed to them—a step published to Europe without any notice or previous concert with us? Were not Her Majesty's Government entitled to consider for themselves whether that step was likely to promote the peace of Europe, or whether it was likely to have a contrary effect? Upon this subject also, as upon the subjects of Mexico and the United States of America, I claim that which is not a great deal to claim for a Power like England — that the Government should have the right of framing its own policy and of being governed by its own views of the interests of England and of Europe, and not be compelled to follow in the wake of any other Power however great.

The noble Earl has made many comments, not altogether correct as to facts, with respect to that grave question upon which every one must be anxious—the question of the differences between Germany and Denmark. Upon that subject I can only give your Lordships a very bare outline of the course that has been taken, of the views held by the German Powers, and of those which are entertained by Her Majesty's Government. I must remark, in the first place, that during the reign of the late King of Denmark the Federal Diet at Frankfort came to the resolution to have Federal execution in Holstein. But before going further, I must state that there are two points which are, in fact, two separate questions, although much mixed up together in various ways. In the year 1850, in July, there was a meeting at the Foreign Office at which the Powers of France, Great Britain, Austria, and Russia assisted, and at which it was agreed by Great Britain, France, and Russia that the maintenance of the integrity of the Danish monarchy was an object connected with the balance of power, and was conducive to the maintenance of peace and the welfare of Europe. Upon the 2nd of August in the same year these propositions were reduced into a protocol with several articles, one of which recited that it was desirable to maintain the integrity of the Danish monarchy, and another commended the wisdom of the King of Denmark in endeavouring to arrange for such a succession to the Crown of Denmark as might enable his successor to fulfil his Federal obligations as Duke of Holstein. Upon the 23rd of August, Austria acceded to that Note. These negotiations took place after the war had been carried on in Holstein, and ultimately resulted in the treaty signed in May, 1852, by the noble Earl opposite (the Earl of Malmesbury), which proceeded upon the statements made in 1850, and which recognized the succession to the Crown of Denmark, and of all the territories then under the sceptre of the King of Denmark, in Prince Christian, now King Christian IX., of Denmark. To that treaty, as stated in Her Majesty's Speech, several Powers acceded. It is true that the Government of Saxony did not use the term "accede," but they used the term "assent," and also applied such terms of eulogy to the framers of the treaty as would have induced any Government of England—as would have induced the noble Earl opposite, had he held the office I now hold—to expect from Saxony that she would have been one of the first Powers to recognize and to maintain the benefits of the treaty of 1852. On December 9, 1852, the Saxon Minister says—

> "His Majesty having taken cognizance of these arrangements, as well as of the stipulations intended to guarantee their stability, is happy to recognize the wisdom of the views and the solicitude for the great political interests of Europe of which the high contracting parties have, in this proceeding, given a new and striking proof. Animated with these sentiments, His Majesty is willing to lend himself to the desire manifested by the high Allies, and to believe that the well-founded interests of his Royal house place no obstacle in its way."

After explaining that these interests have reference principally to the eventual rights of the Albertine branch of the House of Saxe upon the Duchy of Lauenburg, which could not be altered by the treaty, the Note continues—

> "It is in this supposition, and under this reserve of the same eventual rights, that the Government of the King, without, however, pretending to anticipate the resolutions which the Germanic Confederation, by the organ of the Diet, may be led to take upon this question, do not hesitate to declare their assent to the treaty signed at London on the 8th of May last, and thus to associate themselves to a combination serving to maintain the integrity of the Danish monarchy, and to assure at the same time the preservation of the general peace. "BEUST."

Well, then, these being the words of the reservation as to the rights of the Confederation, the least any Government of Europe might have expected would be, that if the Diet should hereafter come to consider the obligations of the Treaty of 1852, one of those parties having acknowledged the wisdom of the Sovereigns and States who were parties to it, and considering its tendency to preserve the peace, would recommend the Diet not to contravene its stipulations. It might have been expected that this course would have been taken by the Minister of Saxony. And yet not only Hanover and Wurtemburg, who acceded to that treaty, have shown a disposition to pass from its provisions, but one of the great agitators against that treaty has been this very Saxon Minister, who signed the letter I have read. I quote this, my Lords, as an instance of the difficulty which any Government in Europe and the Government of this country, having obtained a treaty which was signed with the general concurrence of and acknowledged by the States of Europe, must find in maintaining that treaty, when the very persons acceding to it, who acknowledged its wisdom and obligations, were the first to disturb its provisions and denounce its maintenance. There were other engagements then entered into with which Her Majesty's Government had, I may say, nothing to do. Those engagements were the consequence of the war which had been carried on in Holstein and Schleswig. Engagements were taken by the King of Denmark with regard to certain portions of these Duchies. He engaged with regard to Holstein to discharge all his Federal obligations; he engaged with regard to Schleswig not to incorporate that duchy with Denmark; and Austria and Prussia engaged on their part to respect the decision of the King of Denmark that Holstein and Schleswig should be entirely separate, and not united. I quite agree with the noble Earl in regretting that these engagements were not embodied in any regular convention or treaty; they were contained only in notes of the Austrian and Prussian Ministers on the one side, and of the Danish Minister on the other, and they were followed by a proclamation of the King of Denmark; and ever since January, 1852, the date of that proclamation, there has been a constant controversy, and very often a bitter controversy, going on between Denmark and Germany—Germany reproaching the Danish Crown with not fulfilling its obligations, not governing Holstein according to German views, and tending constantly to incorporation. The Danes, on the other hand, said the demands made by Germany, and the interpretation given to their engagements, were such as to make it impossible for Denmark to comply with them. I believe there is a great deal of truth in both these statements. My noble Friend (Lord Wodehouse), who spoke last year on this subject, said the King of Denmark was bound in honour to fulfil his obligations, but that Germany was also bound not to render their fulfilment impossible. Such being the nature of the case, with this constant and bitter controversy going on, the German Diet came to the conclusion, as I before stated, on the 1st of October, to order a Federal execution in Schleswig-Holstein; but they did not observe the rule they ought to have observed, that the only territory in which they had Federal jurisdiction was the territory of Holstein, and that they had no right to go beyond its limits. They, on the contrary, put into their decree various other decrees, which, since 1852, had been passed by the Diet, one of which was that there should be a common constitution in which each of the four parts of the Danish dominion should have a separate government and constitution, independent of the rest—an arrangement which, by the interpretation of the Germans, amounted to this—that the Danes being the majority and the Germans being the minority, in the proportion of sixteen to ten, the latter should have the power in the General Parliament in Copenhagen of becoming the majority and governing the whole kingdom. Her Majesty's Government represented to the Diet that such a course would be destructive of all the efforts that had been made, and that it was impossible that that part of the decree could stand. The proposition was consequently abandoned, and is no longer, as I understand, insisted on. That decree was in the course of execution when, on the 15th of November, the King of Denmark died. From that moment there has been increased agitation in Germany, and the subject of that agitation has been not the Federal rights which from 1851 had been matter of dispute, not the fulfilment of the engagements of Denmark with respect to Schleswig and Holstein, but the question of the succession to the Crown, which most people hoped was happily and wisely settled by the Treaty of 1852. Now, the German Diet has taken a most extraordinary course on that subject; and when I say a most extraordinary course I do not except the great Powers of Austria and Prussia, because I really think their course has been rather less intelligible than that of what is said to be the majority, who wish to put up the Prince of Augustenburg. But it is obvious there were two very clear lines to take, either of which might have been taken by those who interfered in this dispute. The German Powers might have said, if they chose, "We entirely repudiate the Treaty of 1852; though we have signed it we entirely disown it; we acknowledge the Prince of Augustenburg as Duke of Holstein, and we will send our armies to insure him the possession of the Duchy of Schleswig, which he claims as well." That would have been a course inconsistent with the treaty which they had signed—that would have been a course which would have involved the destruction of Denmark as a kingdom—it would have destroyed the integrity of the Danish monarchy—it would have been, I may say, a realization of the long entertained ambition on the part of many of the States of Germany; but, at the same time, it would have been a clear and decided course. There was another course which everybody expected that, at least, Austria and Prussia would have taken—that was to say, "No, we have already decided to recognize Prince Christian as heir and successor to the Danish crown, and we do not see why we should depart from our engagements on that score; we know perfectly well the rights of the Diet when we signed that treaty; we did not regard them as controlling our Powers or diminishing our obligations? we hold to that succession while we agree to Federal obligations, and we cannot for a moment listen to the opposite pretensions put forward." They did not take that course, but they proposed that the question of succession should be suspended or held in abeyance. What, then, became of the character of the Federal execution? On the one side it was a Federal execution against the reigning King of Denmark, thereby implying that he was the rightful King, and the rightful Duke of Holstein; and it was justly said, that as he inherited the rights so he also inherited the wrongs of his predecessor—that if the late King of Denmark had not governed in Holstein according to Federal rights and obligations, it was perfectly legitimate to go in and enforce that execution in order to oblige him to do it. But then, unhappily, Saxony and Hanover, who were parties to the execution, did not recognize Prince Christian. Austria and Prussia themselves did not receive the envoys of the new King of Denmark, notifying his accession, at Vienna and Berlin; and when the agents of the execution arrived in Holstein the arms and insignia of the King of Denmark were pulled down, and every encouragement was given to the Duke of Augustenburg to pursue his canvass throughout the Duchy. Nothing could be more inconsistent than this double course on the part of these Powers. Austria and Prussia were opposed to the majority of the Diet, but on the 14th of January, I think, they made another proposition—that they should proceed into Schleswig and hold that Duchy as a material pledge or guarantee, in order to enable the German Diet to enforce the fulfilment of the engagements of 1851. The other Powers, who turned out to be the majority in the Diet, said, "That that would be inconsistent with our opinion that the Prince of Augustenburg is the Duke of Schleswig; because if you go you acknowledge Prince Christian to be Duke of Schleswig." But Austria and Prussia have nevertheless gone into Schleswig to obtain this material guarantee; and there is obviously there also the same disposition to canvass for and proclaim the Duke of Augustenburg. On the 1st of October we had pointed out in what way we felt that the Federal execution went beyond the powers of the Diet. We afterwards proposed that there should be a Conference on this matter of all the Powers who signed the Treaty of London, and also a representative of the Diet; and on the 31st of December a despatch was communicated to the Diet, in which we earnestly pressed the Diet to submit the question to a Conference rather than risk a war of which no man could foresee the possible consequences. That proposition was referred to a Committee of the Diet, which I believe has never reported. Several of the German States have told us that it is quite impossible for them to appoint a representative to any Conference of the States of Europe, because they differ so much among themselves that no one person could properly represent the Diet. That may be a practical reason why a representative should not appear. The interference of Austria and Prussia went on. I cannot wonder that Austria and Prussia should take the matter into their own hands, and refuse to bow to the decision of the Diet; because when you remember what those two Powers are, what is the extent of their territory, of their army, or their resources, it is really too much to expect them to submit their will to the Duke of Coburg and the other small Princes. But the conduct of Austria and Prussia is almost as unintelligible and I may almost say as unfriendly as that of the minor States; because, having determined upon going into Holstein, they sent to Denmark a requisition to revoke the Constitution of November last in forty-eight hours. Well, this Constitution, as we thought, was inconsistent with the engagements into which Denmark had entered in 1851. In the month of November or December the Government of Russia communicated to us that she was about to take the course of sending an envoy to congratulate the King of Denmark on his accession to the throne, and at the same time to advise the revocation of the Constitution of November, 1863, as inconsistent with Denmark's engagements; and the Russian Government invited us to take the same course. Well, we did so, and my noble Friend, Lord Wodehouse, proceeded to Copenhagen, and, in conjunction with the Russian envoy, advised the revocation of that Constitution. At the same time the French and Swedish Envoys at the Danish Court, without making a particular request with respect to that Constitution, urged the Danish Government to do everything to conciliate the German Governments, and fulfil all its obligations. That mission was not at first successful. Most unfortunately the Minister who then had for some time ruled in Denmark under the late King, although no doubt very patriotic in his sentiments, had most violent and extreme views in favour of the Danish people—views hardly consistent with justice to the

German subjects of his Sovereign—and he persisted in advising the King to refuse those propositions and to dissolve the Danish Parliament. Shortly afterwards the King of Denmark changed his Ministry, and intrusted the functions of Minister to M. Monrad, who has found a colleague in one of the ablest, and, at the same time, most moderate statesmen, formerly the Envoy of Denmark at the Court of Berlin. From that time the whole tone of Danish policy was altered, and the Danish Government showed a readiness to make every concession compatible with the independence and integrity of their country. Unhappily, that was not to be done very quickly. The King of Denmark, as a constitutional Sovereign, was bound to take no measure inconsistent with the law and Constitution of his kingdom, and therefore he could ask for the revocation of the November Constitution only in a constitutional manner, by causing elections to be made to the Rigsraad, thereby postponing, for some weeks at least, the revocation required of him. At the same time the new Minister frankly told the Diet of Copenhagen, that if they expected treaties in their favour to be observed, and the integrity of Denmark to be respected, they must fulfil all the obligations into which the late King had entered. That was a fair and honest declaration, and I respect the Danish Minister for making it. But the more disposed Denmark became to make concessions, unhappily the less disposed were Austria and Prussia to give time for those concessions. And I am sorry to say that when we proposed that six weeks' delay should be granted to see what the Danish Government could and would do, that proposal was peremptorily refused at Berlin and Vienna. Well, we then framed that proposition in a different manner, and suggested that in order to give security to Austria and Prussia there should be a protocol recording, in the names of France, Great Britain, Russia, and Sweden, the intention of the Danish Government to propose the revocation of the November Constitution, thereby giving an assurance to Austria and Prussia that if that Constitution was not immediately revoked, Denmark should no longer have the smallest ground for reliance on those Powers of Europe who wish to defend her. Both of those steps, I may say, had the concurrence of France, Russia, and Sweden, with the exception, perhaps, that while the proposed delay had the consent of them all, Sweden did not agree as to the revocation—she desired only that time should be granted to Denmark for the consideration of the subject, and that she should not be absolutely required to revoke the constitution. England and Russia supported the request made by Denmark for time; but each and all were met with a peremptory refusal by Prussia and Austria. Now I must say that, considering what were the States that made these propositions, considering especially how Austria has hitherto valued the peace of Europe—considering how much she is, as it were, a Conservative Power in the centre of Europe, this haste on her part to reject the propositions made by such Powers as France, Russia, and England, and to rush into war, is to me something as inexplicable as it is melancholy. The Governments of Austria and Prussia have made official communications which I have listened to on this subject. They have spoken as to the necessity of not keeping their armies on the Eider in inaction, as to its being too late to maintain the peace of Europe—too late not to break the peace of Europe—and other excuses of that kind, which I confess I heard with pain and astonishment. But in their papers and despatches, mingled with all this, are repeated allusions to their position in Europe. They represent that if, after having prepared to enter Schleswig, they had stopped in their course, there would have been such a commotion in Germany, there would have been such an agitation against them, there would have been such a marching of volunteer armies to Holstein, that they would themselves have been exposed to the risk of revolution. Now, one cannot but think how hard it is upon Denmark that her fair and conciliatory propositions should be rejected—not because they are not fair and conciliatory in themselves—not because Denmark is not fully awake to her responsibilities and the promises she has made—not that there is any reason to suppose that if six weeks, or two months, or three months were conceded, there would not be a satisfaction to all German demands as they have hitherto been urged, and an arrangement happy for Germany, happy for Denmark, and happy for Europe—but simply because there is a great German dispute and German dissatisfaction, and Denmark must be made the scapegoat. What is the statement that has been repeatedly made on the part of the Germans? Those Germans who wish for the unity of Germany, who declare that Germany ought to be one great empire, with a chief at the head of it who would have great weight in Europe, backed by a great popular assembly with immense resources, when they are asked, if that is the wish of 40,000,000 of their people, why in God's name they do not make an effort to achieve their object, and when they are told that if they are unanimous themselves they have nothing to fear from others—these persons tell us that it is impossible for them to attain their wish except by attacking Denmark and getting possession of Schleswig. Really I must say that the fate of Denmark, situated as she is, is a most unhappy one. She is between two parties, one of which says, "We wish to have one great united Germany, and therefore let us go and attack Denmark;" while the other says, "We wish to stop democratic agitation in Germany and keep things in their present state, and therefore let us go and attack Denmark." It thus appears that whether the case is one of Liberalism and the unity of Germany, or whether it is a question of Conservative policy and keeping up all the minor Princes and States of Germany, the German mind is bent upon the destruction of Denmark, whatever other object may be accomplished. I certainly cannot admire those feelings, and when it was proposed that there should be an invasion of Schleswig, I thought it was necessary to ask whether Austria and Prussia acknowledged the obligatory character of the Treaty of London of 1852, or whether they were about to march into Schleswig for other purposes? Your Lordships will observe that I had a fair right to ask this question; because, while on the one side those two great Powers had in no way repudiated the Treaty of London, yet on the other they had gone the length of proposing in the Diet that the question of the succession in Denmark should be kept in abeyance, and for themselves they had not recognized the succession. I received the other day an answer to our question, and I shall take the liberty of reading to your Lordships both the question we have asked in the terms in which it was put by Sir Andrew Buchanan, our Ambassador at Berlin, and a translation of the answer we have received, leaving it to your Lordships, and, I am afraid, leaving it to future events to decipher and interpret the true meaning of that answer. What Sir Andrew

Buchanan demanded on our part was this—

> "The undersigned Ambassador Extraordinary and Plenipotentiary of Her Britannic Majesty has the honour to acquaint his Excellency M. de Bismark-Schönhausen, the Minister President and Minister for Foreign Affairs of His Majesty the King of Prussia, that the Government of the Queen his august Sovereign having been informed that the Governments of Austria and Prussia have addressed a threatening summons to Denmark, he has been instructed to ask for a formal declaration on the part of the Prussian Government that it adheres to the principle of the integrity of the Danish monarchy."
>
> "(Signed) A. Buchanan."
>
> "Berlin, Jan. 20, 1864.

The answer is to be found in a despatch of the 31st of January, addressed by Herr von Bismark to Count Bernstorff, the Prussian Ambassador in this country—

> "The Government of the King, by basing on the stipulations of 1851-2 the rights which, in concert with Austria, it is proceeding to enforce upon Denmark, has by this very act recognized the principle of the integrity of the Danish monarchy as established by the transactions of 1851-2. The Government of the King, in proceeding to the occupation of Schleswig, does not intend to depart from this principle. If, however, in consequence of complications which may be brought about by the persistence of the Danish Government in its refusal to accomplish its promises of 1852, or of the armed intervention of other Powers in the Dano-German conflict, the King's Government were to find itself compelled to renounce combinations which would no longer offer a result proportionate to the sacrifices which events might impose upon the German Powers, no definitive arrangements could be made without the concurrence of the Powers who signed the Treaty of London. The British Government would then find the King's Government ready to come to an agreement with them as to the definitive arrangement of the Dano-German question. Your Excellency is requested to read and give a copy of this despatch to Earl Russell."

I have now put your Lordships in possession of the case. It remains, as I have said, for future events to give a clue to the correct interpretation of the answer of the Prussian Minister. It may be that having occupied Schleswig, or, what I should like much better, having occupied only a part of Schleswig, the Austrian and Prussian Governments may be ready to consider with other Powers what may fairly be demanded from Denmark consistently with the integrity of the Danish monarchy. If they be moderate in their proposals—if the Powers of Europe, anxious for peace, as I believe them to be, should be enabled by timely advice, by the consideration of propositions fit to be embodied in a treaty, to arrive at a clear, satisfactory, and permanent arrangement of these difficult affairs—Her Majesty's Government would heartily rejoice in such an issue. We have made many—some might say too many—efforts for the preservation of peace in advising the different States who are engaged in the quarrel to make concessions which we thought reasonable; but we have advised nothing which we thought did not put Denmark, on one side, and Germany, on the other, in a better position, thinking that he is twice armed whose cause is just and right. We have advised nothing to Denmark which it was not, in our opinion, for her advantage, which it was not right for her to yield. We have given at no time any assurance or even hope of material assistance to Denmark. The Danish Minister at Her Majesty's Court has repeatedly said to me, "We expect no material assistance from England, but we do expect sympathy." That is the extent of our engagements as regards Denmark. What the future may bring forth it would be rash for me to say. I should be rash if I were to pretend even to attempt to draw an outline or sketch of what may happen. In the present uncertainty, with this aggravation of the state of Europe, of troops actually fighting, I do ask, having stated as clearly as I could what has taken place, and intending as soon as possible to lay the despatches on the table, as far as it is possible to do so—I do ask your Lordships that we may be permitted to decide upon events as they arise, and to take such measures as we may think best for the peace of Europe, for the welfare of Denmark as a separate and independent nation, and for the real good of the Germans themselves as a great Power, and as constituting a large portion of the population of Europe.

With the permission of your Lordships, I would say what I think is the great danger for Germany and for Europe in the present transactions which are taking place in different countries of Europe. It is obvious that for some years past, perhaps nearly thirty or forty years, the nations of Europe have not chosen to sit down contented with despotisms and have no wish to adopt republican forms of government. They have, therefore, resorted to that mode of government which, if wisely framed and conducted with moderation, is, I believe, the best for the happiness of the governed and most consistent with true liberty and the best interests of mankind—the form of constitutional monarchy. But that may be a most dangerous form of government, and if not used in moderation is apt to produce revolts—violent acts of authority on one side and violent acts of rebellion on the other. It has been the happiness of this country, which has enjoyed this kind of government for now nearly two centuries, that moderation has been the distinguishing characteristic of all our conflicts, and has assured to them, however hot they may have been, a peaceable and constitutional solution. It is not so in other countries. To take a case to which I did not expect to have to refer to-night—in Greece the people thought it necessary to change their monarch because they were not satisfied that he was acting in a constitutional manner. In Spain, too, the friends of liberty have taken a course which they no doubt deem very favourable to their cause, but which is quite inconsistent with constitutional ideas, of presenting a budget to the Cortez. Then, again, in Prussia a contest has been going on for some time which shows the greatest confusion of ideas on the subject. One party which holds with the prerogative of the Crown maintains that the consent of the King and House of Lords is sufficient to pass a budget. That is an idea quite opposed to our notion of the constitutional powers of a House of Commons. The Lower House have, however, fallen into exaggerations on their side, because, it being obviously a principle of constitutional monarchy that the King should make treaties, acting on behalf of the nation, the Prussian House of Commons have thought they were at liberty to throw aside and annul treaties made by the Sovereign, thus rendering the Monarchy a name of contempt and depriving the King of a constitutional prerogative. That shows the confusion which prevails as to this mode of government. Such is the question now pending in Germany, and which before long will lead to a happy solution or to a long and desperate conflict. In the course of last year the Emperor of Austria declared that it was absolutely necessary, in order to prevent revolution, that there should be a German Parliament, and proposed a scheme with that object. The King of Prussia also declared that Germany must have a Parliament, and proposed another scheme. Now, depend upon it, these propositions made by such Sovereigns as the Emperor of Austria and the King of Prussia, will not fall to the ground. There may, perhaps, before long arise an earnest demand for this German Parliament, and it will then be seen whether this important question can be settled in peace, reason, and moderation, or whether Germany is to continue a great plague to itself, a great terror to other countries. These are questions which really affect the future of Europe. The Emperor of the French, with, I believe, great sagacity and wisdom, has given certain powers to his people. Fontenelle, the French philosopher, used to say that if he had a closed handful of truth he would open only one finger at a time. The Emperor of the French treats his people in regard to freedom much in the same way. He opens one finger at a time. It is, however, for the benefit of the French to have a firm Government, and I trust the Emperor's authority will be maintained. With his sagacity and skill it is possible that in time, without any convulsion, the French people may have every liberty which they can properly enjoy, or any constitutional country possess. At the same time, I confess these are great and difficult problems. We are ourselves secured from them, having long ago settled our constitution; but I do believe that they will be a prolific source of future disturbance in Europe. I am happy to say that there is in France, Russia, and in this country the strongest desire to maintain peace. If three such Powers are disposed to preserve peace, I cannot believe that any long war is likely to occur in Europe. It will be the object of Her Majesty's Government not rashly to commit themselves to any policy that might entail evils upon the country; but I fully accept the statement of the noble Earl opposite, that a Government ought not to look to Parliament for guidance—that it is not their duty to seek for suggestions or for a policy from Parliament—it is the duty of the Government to consider seriously and amply the situation of the country, to avail themselves of all lights which they can obtain; and then having made up their minds they ought to communicate to Parliament what their policy is, and stand or fall by it. Such is our duty, and we shall endeavour to fulfil it.

EARL GREY: My Lords, we cannot, I think, but feel great uneasiness and anxiety as to the present position of affairs, after having listened to the speech of my noble Friend the Secretary for Foreign Affairs. We cannot disguise from ourselves that a question of awful importance presses for the decision of Her Majesty's Government and Parliament. They have to decide whether they will protect Denmark or whether they will not. Sooner or later we must come to a determination on that question, which is as difficult as it is momentous. On the one hand, I entirely concur in what was said by the noble Earl opposite as to the magnitude of the calamities to the world which would be caused by a war between this country and two great Powers of the Continent. On the other hand, however, we have this to consider—is a great act of injustice to be perpetrated without our interference to check it? Are we to sit still and see one of the smaller States of Europe oppressed without colour of right by the superior strength of two great nations? As to whether or not Denmark is in the right, whatever I may think, I will not venture to express an opinion—it is a question so difficult and complicated that I feel it would be presumption in me to offer any views on it. I must own, however, that after hearing the speech of my noble Friend, in which he denounced so eloquently the proceedings of the two great Powers, and pointed out the hardships inflicted on Denmark in order that the Germans might settle German questions at her expense, I cannot help entertaining some suspicion that it may be the opinion of Her Majesty's Government that in this matter Denmark is oppressed. Well, then, what follows? If we are satisfied that Denmark is in the right, it is a most serious determination on the part of this country to say that we will look on in tranquillity and apparent indifference while that monstrous act of injustice is being perpetrated. I must question the principle on which, if they think the Danes to be in the right, Her Majesty's Government would seem to have acted, that we are not to use our power except when our own interests are directly and immediately attacked. No one of your Lordships is more anxious than myself to avoid all unnecessary interference in the quarrels of foreign Powers; no one feels more strongly the impolicy of meddling in affairs which do not concern us; but, on the other hand, I have always felt, and I trust all your Lordships agree with me in feeling, that the civilized nations of the world have a strong and clear interest in preventing injustice being inflicted on any one of their number, and that the best security for the peace of Europe and the world is a general persuasion among the great Powers of the world, that if any one of them openly and notoriously violates the principles of justice, and is guilty of oppression towards its weaker neighbours, other nations will stand forward to defend those neighbours, and that among the nations ever ready to come forward in a case of justice and reason England will not be the last. I say, then, that there is this great question, which must sooner or later be decided—are we prepared to protect Denmark or not? And I cannot help fearing that, in their anxiety to defer the responsibility of deciding on this momentous question, the Government may have made the mistake—though I hope that it will turn out otherwise—of deferring too long arriving at a clear conclusion on the point. I cannot help fearing that they have done too much or too little. The tendency of what they have already done—namely, the mission of my noble Friend near me (Lord Wodehouse), and the pressing advice given to Denmark according to the statement of the noble Earl who has just sat down (Earl Russell), as to the course she ought to pursue—must, I fear, have tended, though no specific promises may have been given, to create an impression that when the time came our aid would not be wanting to Denmark if Denmark were attacked. We now know that the attack has been made, and no assistance has been given by us. This may be right, but I confess that it appears to me that if we were to withhold our assistance, it ought at once to have been made clear to Denmark from an early time that she must not look for our aid, nor be induced by an expectation of it to pursue a course of policy she would not otherwise have adopted. I also cannot help thinking, that if it should ultimately appear that we ought to protect Denmark, we have, perhaps, allowed the time to go by in which we might have interfered with the greatest advantage, and with the greatest probability of avoiding war. I cannot but believe that in these cases the boldest policy is sometimes the best; and, assuming that ultimately we may be bound to interfere, I firmly believe that in that case it would have been far better that we should much earlier than this have told the German Powers in plain language what would be the consequence of their persistence in the course they were pursuing: had we done so, I firmly believe that the German Powers would have paused in their course. I hope and trust that the Government are not making the fatal mistake of deciding on each successive step they are to take according to what may seem to be the exigencies of the moment, without having, at least in their own minds, some clear and definite line of policy, to which they mean steadily to adhere, and which should guide their various measures. If they have omitted thus to determine upon some distinct line of policy, they have committed a most serious error. If they intend ultimately to come forward in defence of Denmark, it is my belief that the right course for them to have taken would have been to have called Parliament together at an earlier date, for the purpose of formally communicating to both Houses on the part of the Crown, that the course of events had made it necessary to take steps which might ultimately lead to war, and for which they had to ask the concurrence and support of Parliament. While a communication to this effect was made to Parliament, measures might have been taken for sending a British force to Schleswig; and, looking to the geographical position of Denmark, the great exertions which the Danes seem inclined to make in their defence, and the great support our naval power can give in a defensive war to a military force, I am convinced that such a force as this country ought to be able to send with great expedition and ease to Schleswig would have an important effect on the contest. Considering the enormous sums voted for the army and navy during the last ten years, I cannot but believe that we are now in a position to send, if it were necessary to make the exertion, such a force to Schleswig as would form a most valuable support to the Danish force. I am further convinced that if we had taken such a decided course as this, Austria and Prussia would have hesitated before they made an advance which would have involved an attack by them on the British army. Considering the state of Venice and of Hungary, and the condition of the Austrian finances, I cannot help thinking that Austria would have thought twice before attacking an English army in an intrenched position. I do not say that this is the course which ought to have been adopted, because we do not yet know enough of what has taken place to be able to form a clear judgment, whether the case is one which will call for our active interference in the end. But I do say that if Her Majesty's Government are of opinion that a wrong has been done to Denmark which we cannot allow to remain unredressed, this more decided and earlier interposition would have been more likely to avert war than what we have done. As it is we have great reason for anxiety and for fearing that the Government in this matter has done, as I have already said, too much or too little. I must add that I feel greatly mortified to find that the remonstrances, which it appears from the statement of my noble Friend he has made to the German Powers, have had so little effect. I am sorry to say that I cannot but concur with the noble Earl opposite (the Earl of Derby) in believing that the inefficiency of our remonstrances is to be ascribed to the position in which we unfortunately find ourselves placed. It is true, as the noble Earl opposite has said, that we have, whether by our fault or misfortune, raised against ourselves all through the world a strong feeling of alienation if not of positive hostility; and I believe with the noble Earl opposite that this state of things is not entirely owing to our misfortune. With respect to America, I am happy entirely to acquit Her Majesty's Government of any blame whatever. As far as I can judge, they have from the first fairly and firmly pursued the line of strict neutrality, which almost every person in this country thought was the right course for us to follow. But with respect to other countries I fear there is cause to justify a very different opinion. I cannot help thinking that our interference with respect to Poland last year was most ill-advised and most mischievous. I ventured last year to bring that subject under your Lordships' consideration, and to impress on the Government the danger and inconvenience and evils of all kinds which must result from our meddling, if we were not prepared to say that we would interfere to a greater extent. I thought the reasons urged by the Foreign Secretary against engaging in war on behalf of Poland perfectly sound, but if so, I was unable to see that any possible advantages would arise from making remonstrances to Russia with respect to Poland. The noble Earl the Foreign Secretary said that he thought it fair to Poland at once to declare that we did not mean to go to war on account of that country. I think so, too, but I regret that the noble Earl neutralized the effect of that wise declaration by making remonstrances and pressing advice on Russia—a course which could not fail to have a bad effect, giving a certain amount of encouragement to the Poles, who, on their hopes being disappointed, naturally turned their animosity against us. I think that the remonstrances which have been addressed by Her Majesty's Government have neither been calculated to conciliate the Powers to whom they have been directed, nor to benefit those for whose sake they were made. Then, again, with regard to France, the most serious case of all, I must say that I do feel that the conduct of Her Majesty's Government has been calculated to cool the cordiality of the friendship of the French Government towards this country. My noble Friend, the Foreign Secretary, says that nobody disputes the propriety of his having withdrawn from Mexico when he heard that the operations there were to be much larger than had been originally contemplated. My Lords, that is perfectly true; but what I complain of is not that my noble Friend withdrew from those operations after they went a certain length, but that he ever went into them; because I think a very moderate amount of foresight might have shown him that, whatever might be the understanding as to the limits which should be put to our measures, when we got to Mexico it would very soon turn out either that our proceedings would be nugatory and expose us to ridicule, or that we must adopt measures far stronger and more decisive than those which had been originally resolved upon. Such proved to be the case. We wisely, as I think, withdrew; the French took the stronger measures, and seemed to think we had left them in the lurch. Then, as regards the proposed Congress, I concur both with Her Majesty's Government and with the noble Earl opposite, in thinking that it could have led to no useful result, and that it would not, therefore, have been expedient to go into it; but I still hold that the mode in which it was rejected by this country was needlessly offensive to France. I think it impossible to read the noble Earl's despatch without coming to that conclusion; and I think the publication of that despatch—the departure from the old custom of this country with regard to its publication—was calculated to make it still more offensive than it otherwise would have been. Despatches of this kind used not formerly to be made public by our Government before they were laid on the tables of both Houses of Parliament. It was invariably the practice, except in some rare cases in which early publicity was of importance—the practice of this Government as distinguished from that of other Governments—not to publish important State papers of this kind till they had been laid before Parliament. I think that was a useful and advantageous practice. When a person engaged in a contest writes a smart letter, it sometimes happens that he is very proud of it and is anxious to at once fire it off in the newspapers; but we can understand how much that is calculated to embitter feelings on both sides, and how little to tend to conciliation. On the other hand, if the letter had been kept back in this case—and I know of no reason for haste in publishing it—till the correspondence had been brought to a close, and had been laid formally, by order of the Queen, before both Houses, the despatch might have had a very different effect on those to whom it was addressed than it had when read for the first time in the columns of a newspaper. It is a matter of very serious importance that our relations with foreign countries should be conducted in such a conciliatory manner as that we may maintain the interests and honour of the country, and still avoid, as far as possible, giving offence to the sensitive feelings of other nations. I do not think that is the spirit in which matters have been conducted by my noble Friend; and with the noble Earl opposite (the Earl of Derby), I cannot help attributing to that circumstance, in no small degree, the unfortunate position of isolation in which this country is placed.

There is another topic to which I must call your Lordships' attention for a moment. When we can scarcely in any part of the world find cordial friendship and support, and when, at the same time, the whole of Europe is in so excited and threatening a state that no man can say when a European war may not break out, it is to be regretted that very heavy demands upon our resources are likely to be made upon us from the other side of the globe. Her Majesty's Government have called your attention to the war going on in New Zealand. I am aware that it may now be impossible to put a stop to this war, which will probably end in the entire destruction of the Maori race; but I think it greatly to be deplored that our policy should have been such as to produce a state of things that may leave us no alternative but to destroy a noble race of savages, who, under a more judicious policy, would have become loyal and valuable subjects of the Crown. I fear too that our operations in New Zealand will occasion not only great bloodshed but great expense, if the accounts which I have seen be true, as to the amount of force and of supplies that it has been necessary to send there. The newspapers tell us that Her Majesty's Government have been obliged even to send compressed hay for the use of the artillery horses. The cost of such operations must have been enormous, and is the more mortifying because, among the causes which have led to it perhaps not the least powerful was our declining to keep a proper garrison in the Colony, in consequence of a dispute about some £20,000 or £30,000.

Her Majesty's Government also inform us that there have been military operations in Japan; and here I have a right to complain of the terms in which the Queen's Speech has been drawn up. The usual practice in dealing with matters of this kind, on which there are notorious differences of opinion, is to frame the Royal Speech in such terms as to involve the expression of no opinion contrary to that entertained by any of the Members of either House of Parliament; but that rule has not been adopted in the case of Japan, for while we are told that papers are to be laid before us, the Speech expresses a decided opinion that the Japanese had been to blame. Now, when the proper time comes I am prepared to give reasons why we should look with horror on the burning of the peaceful town of Kagosima by an English fleet. We have seen denunciations of the Federals for having attempted to burn Charleston before giving notice to the peaceful and unarmed inhabitants to withdraw. I think there was much justice in those denunciations; but the proceedings at Charleston were absolutely merciful as compared with those at Kagosima, where measures were taken which ended in the burning of an enormous town inhabited by a great population wholly innocent of and unconcerned in the affair which caused us to inflict on them the greatest amount of suffering. But we have to lament not merely this great catastrophe, but that it has arisen out of a policy which we are still pursuing, and which, if we persevere in it, can hardly fail to produce fresh calamities. Do not suppose because the war had ceased for the moment that we can depend upon its being over. We are told in the Speech that the

Daimio has been brought to "an agreement for compliance." That is rather remarkable English; but I must give Her Majesty's Government credit for it, because it conveys exactly what we have got. We have not procured compliance, but only "an agreement for compliance;" and whether we shall ever get more, whether the terms which we have exacted are ever really fulfilled, will depend upon whether the Japanese Prince thinks he may venture to break them; but be this as it may, I am convinced that unless we change our policy a most costly and bloody war between this country and Japan will sooner or later again commence, in which we shall be called upon to inflict great suffering on many innocent people, and shall ourselves incur enormous expenses, with the loss of the lives of many of our soldiers and sailors. With regard to China, as a noble Earl has already remarked, it is entirely owing to the Chinese Government having had a little more foresight than ourselves, that we have not been involved in difficulties and responsibilities in China to which there would have been no end. I wish your Lordships and the country to consider whether it is wise that, in the present threatening state of affairs throughout Europe, we should involve ourselves in so many difficulties in different parts of the world, all more or less creating demands upon our military, our naval, and our pecuniary resources. I know what I may be told. It may be said, "This is not our fault; we could not help it; it was the fault of the savages in New Zealand, and of the Japanese that we became involved in war there; it is the fault of the Chinese that the coast of China is in a state of anarchy and confusion, and that we are half at war and half at peace there." This may be said; but do not let us so deceive ourselves. It is true that these barbarous or semi-barbarous people have acted as such people always do act. Their conduct has been precisely what any man of ordinary foresight and experience would have predicted. But we have voluntarily placed ourselves in such a situation as provoked them to conduct which we could not tolerate, and then came these unhappy little wars, with the bloodshed and the expenditure which attended them. I say that all this has taken place because no foresight has been exercised in these matters. The Government were told beforehand that they were pursuing a course which would lead precisely to what has followed; but, in spite of warning, they have taken up a position in which they have found themselves dragged on from one thing to another, until results have ensued which we all deplore. So it will be in the future, unless, instead of merely contenting yourselves with considering the next move to be taken, you will have the forecast to consider deliberately the objects which you really propose to yourselves, and then take such a course as will prevent you from being further entangled. I do trust that the people of England will learn that, if they look for a reduction of our enormous naval and military expenditure and for a diminution of our public burdens, they must take care that in dealing with these distant countries our Government acts with greater foresight and upon a policy which has been more carefully considered. I have thought it necessary to make these observations; though I shall move no Amendment, because I know that your Lordships are always averse to such a Motion on the first day of the Session, I cannot, for one, concur in the terms of the Address, so far as it relates to Japan.

Earl GRANVILLE: My Lords, I do not intend to prolong a debate, the tone of which, on the whole, has been satisfactory to the Government. I say it has been satisfactory to them, because, although some difference of opinion has been expressed, and some personal attacks have been made upon my noble Friend (Earl Russell), as far as I could gather from the able and the something more than promising speech of the noble Marquess who moved the Address (the Marquess of Sligo) and from other quarters, there was a general approval of the policy of Her Majesty's Government. I wish to say a few words with reference to what has fallen from my noble Friend (Earl Grey), who, enjoining upon us a policy of firmness and strength mixed with conciliation, finds fault with every act of the Government, and can see nothing to approve in anything they have done. Now, there were one or two principles which the noble Earl laid down to which I cannot give my assent. My noble Friend always expresses an intense love of peace, and this is a feeling in him which I have always admired, though I think my noble Friend has sometimes carried it to injudicious lengths, even when we have been engaged in a war with a very powerful enemy—but I do protest against the doctrine that because we happen to have large armaments we are therefore bound to redress every injustice that takes place, without regard to our own interest or to treaty obligations. [Earl Grey expressed dissent.] Well, I must say that I think the whole tenour of the noble Earl's observations tended to prove that my interpretation of the doctrine which he laid down was correct. In Japan and in New Zealand I believe that hostilities were absolutely necessary for the protection of our commerce and of the lives and property of our fellow-subjects; and there the noble Earl strongly censures us for the course we have taken. But as to the disputes now going on between Denmark and Germany he says, that if my noble Friend gave a correct account of the conduct of Germany towards Denmark we ought to have assembled Parliament before Christmas, to have held strong language, and told Parliament what we meant to do. Now, one principle was laid down by the noble Earl opposite (the Earl of Derby) with which I entirely agree, though I dispute the justice of its application. I believe there is no line of conduct which a great and powerful nation like our own should more carefully avoid than that, in a given contingency, of making threats which it is not prepared to carry out. If we had threatened Germany in December, three months must have elapsed before we could have been of the slightest use to Denmark. From the geographical position of Denmark this must have been the case. Would it have been prudent, then, for this country to have pledged itself to a given course which could only be carried out at a distant period, without knowing what might at the time be the state of things between the belligerents, and without the slightest knowledge of the disposition of the great Powers of Europe respecting a war which, even if found necessary, must lead to the most fatal complications? I say that we ought not, then, to have used threats. On the other hand, I deny the justice of the principle that we are not to give advice unless we are prepared afterwards to support our advice by the *ultima ratio* of war. For my part, I think what has been laid down by my noble Friend (Earl Russell) is the just line that we ought to follow—namely, to hold out no hope whatever which we cannot fulfil, and at the same time to avoid using any language which may encourage those from whom we differ to believe that they can go on in a course of aggression and injustice with perfect impunity. We did give the advice which we believed to be most in the interest of the parties themselves, but we reserved to ourselves full liberty of action and full power to do exactly that which the circumstances of the case might thereafter demand. The noble Earl opposite (the Earl of Derby) complains of the want of courtesy shown by Her Majesty's Government towards the Emperor of the French. Now, I think that want of courtesy towards the Emperor of the French, who has always shown the most kindly feelings towards this country, would not only be much to be deprecated in itself, but would be, besides, an act of great impolicy. But I have read more than once the two despatches written by my noble Friend (Earl Russell) in answer to the invitation to take part in the Congress, and I confess it may have been very stupid in me, or perhaps I am less conciliatory than my noble Friend, that I cannot see in those despatches anything that can with reason be objected to as unconciliatory and discourteous. My noble Friend opposite (Earl Grey) justly says that it is to be regretted that the answer of the English Government on the subject of the Congress was published in the English newspapers before it was received by the Emperor of the French, and my noble Friend near me (Earl Russell) omitted to explain how that occurred. The House must remember that these communications were not of a private or confidential character, and that no previous communication whatever had taken place between the French and English Governments on the subject of a Congress. The publication of the circular addressed to the Courts of Europe had already made it a public transaction. At the same time, it would never have entered into my noble Friend's mind to be guilty of such discourtesy as to publish a letter before it could be received. But my noble Friend, considering that the French papers had stated that England had consented to enter into the Congress, and that other nations were most anxious to learn what the decision of this country was, felt it to be desirable that that decision should be known at the earliest possible moment. What happened was this:—My noble Friend (Earl Russell) sent this despatch to Paris.

Earl RUSSELL: It was sent on a Wednesday.

Earl GRANVILLE: Owing to some misunderstanding between Lord Cowley and M. Drouyn de Lhuys as to the time of presentation two days elapsed before that presentation took place, and in this interval the despatch was printed here. No want of courtesy was intended. But as the French papers were stating at the time that the other Powers were most anxious to know our decision, it was desirable that the despatch should be published at as early a period as possible. As I said, there was no intentional discourtesy, and my noble Friend took the earliest opportunity of explaining the matter, and of making some apology to the French Government for an act which was purely unintentional. My Lords, I will not go into the questions raised by my noble Friend (Earl Grey) with regard to Japan and New Zealand, especially as we shall have another opportunity of discussing these matters. But, whenever the discussion takes place, I think that my noble Friend the First Lord of the Admiralty will be able to show successfully that what has taken place there was perfectly inevitable. In any case I hope it will be understood that the Government take upon themselves the full responsibility of the affairs now in hand; and what they request from the House is, if the House has not confidence in them, to say so and dismiss them; not to bind their hands, but to leave them to act with perfect freedom as regards the future.

Earl GREY explained that the noble Earl (Earl Granville) had misunderstood him upon one point of so much importance, that it was necessary he should set himself right. He had never asserted that this country was bound to undertake the redress of all wrongs, and resist by arms every act of injustice any nation may commit. But, on the other hand, he had denied that we ought to remain indifferent to whatever aggressions other Powers may be guilty of against their weaker neighbours, merely because our own interests may not be directly affected. And with respect to this case of Denmark, without pretending to decide whether it was or was not one in which we were called upon to take part, what he had endeavoured to impress upon the House and upon the Government was this, that if we were ultimately to interfere actively in the dispute between Denmark and Germany, the sooner we declared that intention the better. If that intention was at once made known, it was likely that the necessity for our interference would never arise; whereas if we vacillated and temporised we might drift into war from the force of circumstances, and our interference would do little good. It often happened, he believed, when we hesitated to come to a decision, that by keeping our intentions too long in the dark we led other Powers into pledging themselves to an extent which otherwise they would not have done.

Address *agreed to;* and Ordered to be presented to Her Majesty by the Lords with White Staves.

CHAIRMAN OF COMMITTEES.

The Lord Redesdale appointed, *Nemine Dissentiente,* to take the Chair in all Committees of this House for this Session.

Committee for Privileges—Appointed.

Sub-Committee for the Journals—Appointed.

Appeal Committee—Appointed.

STANDING ORDERS.

Resolved, That Samuel Smith, Esquire, and Charles Frere, Esquire, be appointed Examiners for this Session.

House adjourned at half-past Nine o'clock,
till To-morrow, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Thursday, February 4, 1864.

The House met at a quarter before Two of the clock.

Message to attend the Lords Commissioners;—

The House went;—and having returned;

Mr. SPEAKER acquainted the House that he had issued Warrants for *New Writs,* for Montgomery Borough, *v.* John Samuel Willes Johnson, esq., deceased; for Ludlow, *v.* Beriah Botfield, esq., deceased; for Coventry, *v.* Right hon. Edward Ellice, deceased; for Tamworth, *v.* Viscount Raynham, now Marquis Townshend; for Plymouth, *v.* Robert Porrett Collier, esq., Solicitor General; for Richmond, *v.* Sir Roundell Palmer, Attorney General; for Reading, *v.* Gillery Pigott, esq., one of the Barons of the Court of Exchequer; for Barnstaple, *v.* George Potts, esq., deceased; for Worcester County (Western Division) *v.* Viscount Elmley, now Earl Beauchamp; for New Windsor, *v.* George William Hope, esq., deceased; for Oxford City, *v.* James Haughton Langston, esq., deceased; for Andover, *v.* William Cubitt, esq., deceased; Buckingham County, *v.* Hon. William George Cavendish, now Baron Chesham.

NEW MEMBERS SWORN.

For Worcester County (Western Division), Hon. Frederick Lygon; for Buckingham County, Robert Bateson Harvey, esq.; for Andover, William Henry Humphery, esq.; for Tamworth, John Peel, esq.; for Barnstaple, Thomas Lloyd, esq.; for Pontefract, Samuel Waterhouse, esq.; for Reading, George John Shaw Lefevre, esq.; for New Windsor, Colonel Richard Henry Richard Howard Vyse; for Oxford City, Charles Neate, esq.; for Ludlow, Sir William Augustus Fraser, bart.; for Montgomery Borough, Hon. Charles Richard Douglas Hanbury Tracy; for Clare County, Sir Colman Michael O'Loghlen, bart.

PRIVILEGES.

Ordered, That a Committee of Privileges be appointed.

OUTLAWRIES BILL.

Bill "for the more effectual preventing Clandestine Outlawries," read 1°.

NEW WRITS.

For Durham City, *v.* Sir William Atherton, deceased; for Tewkesbury, the Hon. Frederick Lygon, Manor of Hempholme; for Winchester, Sir James Buller East, baronet, Chiltern Hundreds.

THE LORDS COMMISSIONERS' SPEECH.

MR. SPEAKER *reported,* That the House had been at the House of Peers at the desire of the Lords Commissioners appointed under the Great Seal for opening and holding this present Parliament; and that the Lord High Chancellor, being one of the said Commissioners, made a Speech to both Houses of Parliament, of which Mr. Speaker said he had, for greater accuracy, obtained a copy; which he read to the House.

ADDRESS TO HER MAJESTY ON THE LORDS COMMISSIONERS' SPEECH.

LORD RICHARD GROSVENOR: Sir, in rising to move that an humble Address be presented to Her Majesty in answer to the Gracious Speech we have this day heard, I must beg the House to grant me that indulgence which it has never refused to any Member who has been placed in the position I have now the honour to fill.

Sir, this is the third successive Session on which Her Majesty has alluded to events personally connected with the Royal family. Three years ago it was to announce the death of the great and good Prince Consort — a bereavement from which Her Majesty has not yet recovered, and from which I fear She never will entirely recover; although I trust that the sympathy which has been so generally extended to Her by this House and the country, will be of some avail as proving how entirely Her Majesty possesses the love and devotion of Her people. Last year Her Majesty was pleased to inform the House that She had given Her consent to the contemplated marriage of His Royal Highness the Prince of Wales; and on the present occasion we have to congratulate Her Majesty on the birth of a Prince, who, it is to be hoped will, though at some far distant day, be called upon to reign over this great country. The Princess of Wales has been but a short year among us, but in that time we have learned to love and honour her—every day has increased the love and respect which greeted her on her first arrival; and I have no doubt that the sympathy which has been shown for her native country, now plunged into the horrors of an almost civil war, will show her that the country loves and respects her, and that she has not cast her lot in an inhospitable land.

Sir, the first paragraph in Her Majesty's Speech to which I shall call particular attention, deals with the complicated question of Schleswig-Holstein, and I must beg the House to bear with me a few moments while I allude to that complicated subject. Her Majesty is pleased to inform Parliament that "the state of affairs on the Continent of Europe has been the cause of great anxiety to Her," and that the stipulations of a certain treaty has been brought into immediate application by the death of the late King of Denmark. It is a sad thing that the Government of Denmark did not learn from the difficulties of 1848 to deal with the people in Schleswig and Holstein in a more satisfactory manner. If they had only learnt wisdom by that civil war, we should have been saved from the difficulties which are now hanging over both this country and Europe. When we look at the state of the Danish Kingdom—Denmark proper—Schleswig, and Holstein in the year 1857, we shall find that with one exception it was almost identical with the state of that country in 1847, just before the last war, and that that one exception was the appeal to the German Federation. The late King of Denmark was most unfortunately situated with regard to his Ministry, and I may say that the present King is in the same difficulty. If, when he came to the throne, instead of yielding to his Ministers, His Majesty had yielded to his own common sense, he would have revoked the Constitution which at this moment he has called the Rigsraad together to revoke. But can the Rigsraad, illegally constituted as it is, abolish that Constitution? And, after the commencement of war and the shedding of blood, will it at this moment be more disposed to do so than it would have been if the matter had been settled by diplomacy? I think not. The conduct of the Austrians and Prussians in this difficulty had been bullying and most aggressive. Had they only one month ago yielded to the expostulations both of Denmark and of this country, we should have been spared the difficulties which have now arisen. Their excessively aggressive spirit, and the dangerous precedent which they have set of seizing territory as "a material guarantee," have been the cause of these difficulties, and I trust that before it is too late they will be induced to see how false is the step which they have taken. There is, however, no prospect of their doing so, and nobody, therefore, can dare to foretell what would be the end of the war which they have so unjustly begun. We must hope that the representations which Her Majesty has made and is still making with a view to the maintenance of peace will have the desired effect; but whether we assume a passive or an active attitude, we must preserve the balance of power and maintain the conduct which England has always pursued in similar cases. There is nothing more noble in the conduct of England than her strict observance of international duties and international engagements; and it is not too much to say that if the other great Powers of Europe had imitated her example in that respect, the troubles which are now impending over us would have been avoided. Sir, the next paragraph in the Royal Speech alludes also, I am sorry to say, to war. It alludes to Japan, a country of which but little is known even at the present day. The murders and insults which we have to regret in that country may, I trust, be attributed to ignorance of the good intentions of the British Government and of the power of England. I hope, however, that by this time we are at thorough peace with that country, that our usual commercial intercourse with it will soon be resumed, and that the Daimio of Satsuma, who was the cause of the late misfortune at Kagosima, will see that England is always ready and willing to avenge such murderous atrocities as those recently committed in Japan, when inflicted even upon the humblest of her people. A great deal of feeling has been manifested against Her Majesty's Government on account of the unfortunate burning of Kagosima. But nobody who had seen a Japanese city, and has become acquainted with the combination of wood and brown paper which constitutes a Japanese house, can doubt that two or three shells dropping into the town will immediately cause the conflagration of the whole place. It is impossible that orders should have been given to burn an inoffensive town, and I have no doubt that it will be found that the destruction of Kagosima was entirely attributable to accident.

Sir, Her Majesty next alludes to the insurrection which broke out last year in New Zealand, which we all hope will before long be successfully quelled. The prosperity of the Colony continues unimpaired. The insurrection, being confined to the northern part of the island, interferes in no respect with the southern portions, where are our richest settlements, and of these the prosperity is as great as ever. As I have said of the Japanese, so I will say of the natives of New Zealand, that I hope they will soon learn to know our power, to learn that our intentions are just and honourable, and that we cannot be insulted with impunity.

Her Majesty next informs the House of the treaty which has been concluded with the great Powers of Europe with reference to the Ionian Islands. I think that the House may well congratulate Her Majesty's Government upon having got rid of that dependency, and I trust that the Ionians may never have occasion to regret the day when they ceased to be under the protectorate of England. Corfu and the other islands will long bear marks of our influence, and, thanks to measures adopted by our Lord High Commissioners, their representatives will carry into the Greek Parliament some reflection of our Government.

It must be gratifying to the House to learn from Her Majesty that the condition of the country is, upon the whole, satisfactory—that I think is undoubtedly the case—and that owing to the wise measures which have passed in the last few years, notwithstanding many reductions of taxation, the revenue has in no degree suffered, but that at the end of the financial year there will be a large surplus. "The distress in the manufacturing districts has been in some degree lessened," are the words of the Royal Speech. I had hoped to have heard that it was "greatly lessened," for I believe that since this time last year, when the distress was enormous, a great diminution has taken place, and that the amount of suffering now existing is not by any means so great as it was at that time. The introduction of cotton from various parts of the world has proved most beneficial to Lancashire, and will, I trust, make us thoroughly independent of the United States of America; although it is, of course, to be regretted that this year we are unable to draw our supplies from that country.

The House must, I think, heartily re-echo the prayer with which Her Majesty's Speech concludes; and, in the same spirit, I beg now to move that an humble Address be presented to Her Majesty in answer to Her most gracious Speech. The noble Lord then moved—

"That an humble Address be presented to Her Majesty, to thank Her Majesty for the most gracious Speech delivered by Her Command to both Houses of Parliament:

"To assure Her Majesty that we heartily join in the expression of gratitude to Almighty God on account of the Princess of Wales having given birth to a son, and to offer to Her Majesty our cordial congratulations upon an event in which we, in common with all Her Majesty's faithful People, take the deepest interest, and which we hail with feelings of devoted loyalty and attachment to Her Majesty's person and family:

"To assure Her Majesty that we fully participate in the anxiety caused to Her Majesty by the state of affairs on the Continent of Europe:

"Humbly to thank Her Majesty for informing us that the death of the late King of Denmark brought into immediate application the stipulations of the Treaty of May, 1852, concluded by Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of Russia, the King of Sweden, and the King of Denmark, and afterwards acceded to by the King of Hanover, the King of Saxony, the King of Wurtemberg, the King of the Belgians, the King of the Netherlands, the Queen of Spain, the King of Portugal, and the King of Italy; which Treaty declared that it is conducive to the preservation of the balance of power and of the peace of Europe that the integrity of the Danish monarchy should be maintained, and that the several territories which have hitherto been under the sway of the King of Denmark should continue so to remain; and for this purpose settled that, upon the death of the late King and of his uncle Prince Frederick without issue, His present Majesty King Christian the Ninth should be acknowledged as succeeding to all the dominions then united under the sceptre of His Majesty the King of Denmark:

"Humbly to thank Her Majesty for informing us that, actuated by the same desire to preserve the peace of Europe, which was one of the declared objects of all the Powers who were parties to that Treaty, She has been unremitting in Her endeavours to bring about a peaceful settlement of the differences which, on this matter, have arisen between Germany and Denmark, and to ward off the dangers which might follow from a beginning of warfare in the North of Europe; and humbly to express the satisfaction with which we learn that Her Majesty will continue her efforts in the interest of Peace:

"To convey our thanks to Her Majesty for informing us that, in consequence of the barbarous murders and cruel assaults committed in Japan upon Her Majesty's subjects, Her Majesty considered it necessary that demands should be made upon the Japanese Government, and upon the Daimio by whose retainers some of those outrages were committed; that, the Government of the Tycoon having complied with the demands, and full satisfaction having been made, the friendly relations between the two Governments have continued unbroken; but that, the Daimio Prince of Satzuma having refused to comply with the demands which were made upon him, and which your Majesty considers to have been just and moderate, his refusal renders measures of coercion necessary:

"Humbly to express to Her Majesty that we share in Her regret, that while those measures have brought this Daimio to an agreement for compliance they led incidentally to the destruction of a considerable portion of the town of Kagosima; and to thank Her Majesty for commanding that Papers on this subject shall be laid before us:

"Humbly to express to Her Majesty our gratification at learning that there is reason to hope that the Insurrection which broke out last year among some portion of the native inhabitants of New Zealand, and which still unfortunately continues, will, before long, be put down:

"To thank Her Majesty for informing us that She has concluded a Treaty with the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of Russia, by which Her Majesty consents to give up the Protectorate of the Ionian Islands, and also agrees to the annexation of those Islands to the Kingdom of Greece, and for directing that this Treaty shall be laid before us:

"Humbly to thank Her Majesty for informing us that She is also negotiating a Treaty with the King of the Hellenes for regulating the arrangements connected with the union of the Ionian Islands with the Kingdom of Greece:

"To thank Her Majesty for having directed the Estimates for the ensuing year to be laid before us, and for having caused them to be framed with a due regard to economy, and to the efficiency of the Public Service:

"To assure Her Majesty that we learn with gratification that the condition of the Country is, on the whole, satisfactory; that the Revenue has fully realised its expected amount; that the Commerce of the United Kingdon is increasing; and that, while the distress in the manufacturing districts has been in some degree lessened, there is reason to look forward to an increased supply of cotton from various countries which have hitherto but scantily furnished our manufacturers with this material for their industry:

"To thank Her Majesty for having commanded to be laid before us a Copy of the Commission which Her Majesty has directed shall be issued for the purpose of revising the various forms of Subscription and Declaration required by the Clergy of the Established Church:

"Humbly to assure Her Majesty that we will give our earnest attention to the measures of public usefulness which may be submitted for our consideration; and that, in common with Her Majesty, we trust that the blessing of Almighty God may attend our deliberations and prosper our councils for the advancement of the welfare and happiness of Her loyal and faithful People.

Mr. GOSCHEN: Sir, In rising to second the Address to Her Majesty so ably moved by the noble Lord beside me, I also must ask the indulgence of the House, and the occasion is one which makes such a request less than ever a formal phrase; for the importance of the circumstances attendant upon the opening of this Session and of the questions which must arise, impose upon me a responsibility which nothing but the compliment paid to the great city I represent by the selection of me for this duty could have induced me to accept. On the other hand, I will not detain the House long, for the House must be impatient to get through the more formal part of the business, and to hear the opinions of those great leaders of Parliament upon whom, at the present moment, when everything seems doubtful and uncertain, the attention not only of this House but of Europe is fixed. In endeavouring to express our general and cordial concurrence in the congratulations conveyed by the Address to Her Majesty upon the birth of a son to the Prince of Wales, I need ask for no indulgence. The sympathy which the event has elicited from the people gives a further proof of the close connection existing in this country between loyalty to the Throne and the affection—amounting almost to family feeling—for our Queen and her children. The domestic happiness of the Royal family is a matter of such deep national interest, that every occurrence which seems likely to insure its permanence is certain to be welcomed by the people, to whom the Throne, always sacred as an institution, becomes an object of personal love when endeared by the virtues of its occupant. In passing from this bright topic, on which England is unanimous, I come at once to a question confessedly involved in the greatest difficulty—that of Schleswig and Holstein. Whatever may be the differences of opinion that exist, I trust a solution may ultimately be arrived at with that practical harmony which has been, and I trust may long be, a source of England's strength and security. There can be but one opinion as to the object of the policy which Her Majesty's Government are pursuing with regard to the Schleswig and Holstein question; that end is peace. Her Majesty declares, in the Speech from the Throne, that the object of the Treaty of 1852 was to secure the peace of Europe, and that she had been unremitting in her efforts with that end in view. But unanimous as we may be with regard to the end in view, there may still be differences of opinion in the nation as to the means by which that end can best be secured. That does not seem to me necessarily a warlike policy, which contemplates the possibility of strong measures for the coercion of disturbers of the peace; or that necessarily a peaceful policy, which, by laying down beforehand the doctrine of absolute non-intervention, almost holds out a temptation to aggression. The House will doubtless rejoice with me that the Speech from the Throne, although breathing an ardent aspiration for peace, does not by any premature declaration surrender the country's choice as to the course it may ultimately be our interest or our duty to pursue. At the present moment, as on the eve of all continental struggles, the idea uppermost in every mind is, whether England is likely to be drawn into the struggle. The country is divided between the modern policy of non-intervention and its traditional pride of influence, and regard for international obligations; it appears to debate, with some uneasiness, into which scale on this particular question it ought to throw its weight; and I believe it has not yet made up its mind that the doctrine of non-intervention can be of universal and absolute application, if it means that the Government should stand aloof whatever principles are at stake, whatever interests may be involved, or whatever the issues impending. The country cannot comprehend how, while the barriers separating different nations are being thrown down every day by increasing intercourse, by the surrender of ancient prejudices, by treaties of commerce, and by the inculcation of the principle of universal benevolence, the first utterance of England on the approach of a European danger should be to proclaim an utterly selfish and isolated policy, repudiating not only her international obligations, but also, I may say, her international interests. It seems to me as impossible, as it would be inconsistent and impolitic for England in the face of Europe, to lay down a rule of absolute non-intervention. Those professing to desire peace at any price, seem often unwilling to pay the heavy price which might be asked for it—and that is war itself. But the responsible Government of a great country can not adopt such a course as to say, "Whatever happens it is impossible for us to have recourse to any measures stronger than diplomatic remonstrance." A confusion seems to exist in the minds of many as to the nature of the wars waged in these days. It has been declared that all wars spring from kings and aristocracies; in the present day the struggles entered upon appear rather to have their origin, not in the hearts of kings, but in the aspirations and interests of the peoples. In Italy, in Poland, and in America, the war surely had a popular character, and the cause now setting in motion the Germans, whose excitement lay smouldering so long, is entirely of a national and popular kind. It is not the kings who wage war for their own aggrandisement, but the nations who fight for their own interests, or for ideas which are rooted in the popular mind. If the war were reduced to a question between the Houses of Glucksburg and Augustenburg, one might well subscribe to the strong declaration which has been made, that it would be criminal for any Government in England to go to war merely to support a foreign throne. But any one who has studied the question must see that this is not so. The treaty signed by so many European Powers in 1852 declared that it was made for the preservation of the peace of Europe, and that the maintenance of the integrity of Denmark was essential to that object. I will not intrude upon the House my personal opinion as to what our engagements, our interests, or our honour now call upon us to do, but I think it for the interest of the country that a protest should be made against the assumption that the Schleswig-Holstein difficulty is one in which under no circumstances whatever will this country involve itself in hostilities. It is universally believed on the Continent that nothing would induce England to go to war. And yet England is believed to have interests at stake. The Germans believe that one of the chief reasons for our support of Denmark is that we are afraid the harbour of Kiel should fall into German hands, and that thus our commercial prosperity would be imperilled; and they attribute other deep designs to us of which the Government is entirely innocent. Be this, however, as it may, the one dominant conviction abroad is that nothing will tempt our Government to war. And, indeed, the House may feel full confidence that the Government of this country will not depart from the system of non-intervention as far as it is possible to abide by it. The Government has given too many pledges already that, in cases of dispute between Governments and people, it is not to be tempted from its policy of non-intervention, even when subjected to very strong pressure. The neutrality which we have observed towards the belligerents in America was a good proof of this, and it may be confidently believed that Her Majesty's Government will not be tempted rashly to interfere in the Danish quarrel, but will abide by the principle of non-intervention as long as the honour, the dignity, and the interests of the country admit. And while on this point I will only say that I earnestly hope that the steps taken by Austria and Prussia are really meant, as they are said to be, as pledges for the maintenance of the Treaty of 1852, and that the battles which are now being fought, and the lives that are being sacrificed in the friendly occupation of the Danish territory, will not be turned into a dishonourable argument, pleading that the war tears up that very treaty which the war is made to uphold. Sir, passing now to the subject of our internal condition, we may well be thankful that Her Majesty is able to say that the condition of the country is, upon the whole, satisfactory. It is a subject for deep gratitude. It should be remembered that our prosperity has been increased in a time of great commercial and industrial depression. But a few years ago it was believed that the whole prosperity of England depended on her cotton manufactures; and when at length the crisis came which some had foreseen, but none had forestalled, the enemies of England predicted that the bubble of her prosperity would burst; and even her friends believed that though ultimately she was sure to recover, she would have to go through a long period of commercial depression, starvation and discontent. But instead of depression, our commerce has received a magnificent development; the apprehended starvation has been mitigated first by a splendid example of national liberality, and then the energy and elasticity of our enterprise which replaced America by India; and as for insurrection, the only cry that has been heard from Manchester is that the Government should not attempt to depart from its neutrality towards America, and that it should not be tempted to let ships be launched the object of which was to break the blockade which had brought famine to their doors.

Mr. Goschen

I think that the country has good ground to be proud of the buoyancy of English capital, with the enterprise of her manufacturers, and, above all, with the endurance and self-control of her working classes. Some advantage, however, has been found for the country in the extension of its commerce through the American war. English ships are now employed in carrying cargoes which were carried heretofore in American vessels, and the precious metals emigrate in such quantities from America to India, that the only grievance of India at this moment was that the mints of Calcutta and Bombay were not able to keep pace with the increasing demands upon them. There had even been a fear that there might be commercial disaster in India, owing to the very enlargement of its trade; but the latest advices showed that the danger was passing away. India had unquestionably been a great gainer by having become the purveyor for Lancashire. Some people think the present state of our commercial relations is unsound, and are anxious because, to use a commercial expression, money is exceedingly dear. But this simply means that the enormous capital of England is commanding a high price. It is feared that the specie which is going out of the country cannot be easily replaced. But this specie is going out of the country because our commercial transactions have been largely increased; and because every country in Europe, America, and even Africa has become tributary to our exchange. The numerous commercial enterprises and joint-stock banks, the advertisements of which we read constantly in the papers, do not absorb the whole of the savings of the nation. It is an error to suppose so. They only show that a change is taking place, which may be termed commercial centralization. Those joint-stock enterprises are partly new firms that take the place of old ones, and our trade is only taking a new direction. It is the natural result of the principle of limited liability, and, looking at the matter fairly, it is not clear that the large undertakings that are being attempted are at all too large for the capital of this country. Our exports show that the trade of the country has increased, and with respect to our imports there is a falling off only in the article of wheat and breadstuffs. We have saved £11,000,000 on the decreased importation of food, and that will go a long way to pay for the £18,000,000 additional which our cotton has cost. Moreover, if our cotton costs more we get it back in a great measure in the increased prices of our manufactures, while the saving on our wheat is absolute. There has been a slight diminution in the consumption of coffee; but the immense increase in the consumption of tea seems intended to show the gratitude of the people to the Chancellor of the Exchequer for the remission of duty which he has given; for the public, to show that the right hon. Gentleman was right, had consumed four million more pounds of tea. Whether, then, we look to our powers of consumption or taxation, we should find that everything bore out what has been said in Her Majesty's Speech, that the prosperity of the country was on the whole satisfactory. I do not wish to diminish the sense of satisfaction the House must feel at that prosperity, when I venture to express an earnest wish, that side by side with that prosperity there should be a proportionate and parallel advance in the condition of our working classes and of that pauper population, to whom, living in almost historical misery, our annual congratulations on increasing prosperity may sometimes convey more irony than truth. It would be a natural and excusable error if those classes, judging from their own immediate condition, were somewhat sceptical as to the growth of a prosperity which scarcely seemed to grow to them. But if there be men who, having influence over the masses, instead of correcting this natural short-sightedness, and regardless of the honest efforts that are made by the rich to work off the legacy of the past, attribute to contemporary and personal intention that destitution which is rather due to an irresponsible past, they appear to me to be sacrificing possible improvement to plausible agitation, and statesmanship to sentiment. Rejecting as I do every theory of the cause of English pauperism which attributes its origin to class legislation and its maintenance to class egotism, I, as a member of the great Liberal party, and as the representative of a City the picture of whose splendid wealth is set in a frame of the darkest poverty, cannot overlook the question which is now attracting so much attention, the question of the condition of the working classes. I sincerely believe much has been done. Cheaper bread, better education, and the financial policy of the Government, have done much to show that the interests of no class of Englishmen are forgotten in our Parliament even as it is. Still we must persist in that impartial legislation, and I hope the day will come when the doctrine of free trade, which has been applied with such signal success to capital and commerce, and from which such wonderful results have flowed, will be brought to bear upon other factors of our national prosperity—for instance, upon labour—when the restrictions which now impede the free circulation of labour, as well as of land, will be temperately reconsidered. I think the House will agree that nothing I have said prevents my hearty concurrence in that part of the Royal Speech which states that the condition of the country is on the whole satisfactory.

There is one paragraph more to which I will allude. Every one, on this side of the House at least, must have heard with satisfaction the announcement that Her Majesty's Government are about to take the initiative and institute an inquiry in regard to the revision of the declarations required to be made by the clergy of the Established Church. I trust that the result of the Commission about to be appointed will be, that the consciences of many of the most distinguished and loyal members of the Church will be relieved. If that end be arrived at, it will be worthy of the reputation of the great Liberal party. It would be a sad day for the Church of England if an issue should arise between those who support the present system of subscription and those who, it may be with more courage, maintain that the Church rested more upon the truth of her doctrines than the severity of her tests. I trust that by the revision of the subscriptions and declarations of the clergy such an issue may be avoided.

I have now only to thank the House for the patience with which they have heard me, and to trust that they will all unite in the prayer of the concluding paragraph of Her Majesty's Speech, that the blessing of Almighty God may attend our deliberations, and prosper our councils for the advancement of the welfare and happiness of Her Majesty's loyal and faithful subjects.

Motion made, and Question proposed, "That," &c. [See page 77.]

MR. DISRAELI: Mr. Speaker, my first impression when I read the Speech of the Lords Commissioners was that it was a document not addressed to the times in which we live, and that it did not bear a just relation to the circumstances of the day; and after having listened to the interesting Addresses of the Mover and Seconder, I still retain that first impression. Indeed, if it were not for one paragraph in which an appeal is made to the unaffected loyalty of the nation—that reminding us of the birth of an heir to the Prince of Wales—I really see no reason why this document should have been composed in the year of our Lord 1864. And yet, Sir, since we last met in this House a great deal has happened. Indeed, I can hardly recall more numerous or more important subjects upon which the House of Commons would have been grateful to have been enlightened by the Crown. We certainly are assured —and we receive the announcement with pleasure—that in the opinion of Her Majesty's Commissioners "the condition of the country is on the whole satisfactory, and that the distress in the manufacturing districts is in some degree diminished." But, Sir, I cannot but believe that there are other parts of Her Majesty's kingdom in which very great distress has for a long period prevailed and still prevails, the condition of which is by no means on the whole satisfactory, and where the amount of distress since we last met has certainly not diminished. Now, Sir, if the sympathy of the Sovereign and of Parliament be—as I believe sincerely it is—an expression of sentiment highly valued by the nation, I think it would have been as well if Her Majesty's Government had taken the occasion to refer to the condition of Ireland. Last year we were all sensible of the sufferings of the agricultural population of Ireland, who were then enduring the result of three successive bad harvests. In England this year we have been favoured by exuberant and abounding crops; but I fear that that blessing has not been extended to the sister kingdom. The distress in Ireland, therefore, must be greatly aggravated, and therefore I think it would have been wise—I am sure it would have been true, and I think it would have been politic—to acknowledge not merely the existence of that distress in Ireland, but that it has been borne in a manner which for patience and fortitude is as exemplary as that which has been shown by our fellow-subjects in Lancashire. I know, Sir, that there are philosophers at present who look upon the increased emigration from Ireland as a matter which need not occasion any anxiety to the State. I have no doubt that that emigration has been occasioned by blended causes—that it may not entirely proceed from the agrarian distress which has so long prevailed in that country; but I do not believe that any sagacious Minister—particularly in the times in which we live—can view the flitting of large portions of Her Majesty's subjects with indifference, a race upon whom in the hour of trial we have much depended, and whom we have always found a gallant and gifted people. But, Sir, that is not the only omission I have remarked in the Speech of the Lords' Commissioners. We have been assured that the condition of our fellow-subjects in Lancashire is in some degree improved; but I should like to have seen some reference to that country to the convulsions in which that distress is entirely attributable. It seems somewhat strange that the United States of America are not mentioned in Her Majesty's Speech; for our relations with the United States are at this moment very intimate, and have been very active, and some expression of opinion on the part of the Government as to the probable duration of that eventful struggle would have been received, I have no doubt, with great satisfaction. It is said that the Government have received official communications on that subject, and we should certainly have been obliged if they had communicated the results. But if they could not venture on giving an opinion as to the probable duration of the struggle, they might, at least, have assured us that the policy they have adopted with regard to that contest, and which has been sanctioned by Parliament, is at least unchanged. It would have been satisfactory to us to know that the principle of strict neutrality is still the principle of our policy with the United States, and that during the recess it has been rigorously observed and severely and strictly enforced. I say so, because much has occurred in the interval that might have, and has, occasioned suspicion on this subject in the public mind—and though I freely own that these circumstances may be susceptible of an interpretation perfectly satisfactory on the part of the Government, still I do not doubt that the subject is one that will require the attention of Parliament, and I think it would have been wiser if, at the commencement of the Session, there had been some notice of our relations with the United States in the Speech of the Lords' Commissioners. There are some other subjects that I do not observe in the Speech, and of which I, in common with most other hon. Members, expected some notice. I should have liked to have heard something about China. Our relations with China, and especially with the Chinese Government, is a topic of great interest to the English people. When we remember the extraordinary announcement made last year of what was to be our policy in reference to China, and the engagements made with that Government by officers of Her Majesty's service, with the enthusiastic sanction of Her Majesty's Government, and when we remember what we have recently heard as the result of those engagements, I think some light on that vexed state of affairs might have been expected in the Speech. In the period which has elapsed since we met here last, the subject of Poland has not been forgotten. I know no subject more rife and busy since we met than the diplomatic action in regard to Poland. We cannot have forgotten the extreme interest taken by Her Majesty's Government in this matter; and I think, considering the declaration of policy that was made during the last Session, it would have been satisfactory to have heard some official announcement on the part of Her Majesty's Ministers of their views on the subject of the Polish insurrection. It was only a few weeks ago that one of the most powerful Sovereigns of Europe, who was, I believe, at the time Parliament was prorogued, still our cordial ally, proposed a great scheme for the consideration of Her Majesty's Government, which, in its possible consequences and considering the quarter from whence it came, no one would doubt was of the highest importance. I think it would have been satisfactory if that proposition had been noticed in the Speech, and in noticing it perhaps an opportunity would have been offered to Her Majesty's Government of removing some of the irritation which it is understood exists, and of explaining some misapprehensions which, it is said, prevail. There is, notwithstanding all these omissions in the Speech to which I have called the attention of the House, one more significant still. The country is in a state of profound peace, and this is the first time in which England, being in a state of profound peace, has not been assured by the Sovereign at the commencement of the Session of Parliament that Her Majesty has received from all foreign Powers expressions of amity and good will. The singular omission of this passage alone renders it necessary that the House of Commons on the first night of its meeting should not allow that omission to pass unnoticed, and forces us to consider the nature of our foreign relations. Taking a general view of our external relations at the present time, what strikes me as their principal feature is their utter confusion. Everything is in an inconsistent condition—sometimes approaching even to the incoherent. Everything appears to be done with a total want of system, and we are forced to ask ourselves daily this question—What are our objects and who are our allies? I will take an instance—because an instance is always better than an argument—to illustrate my meaning. I will take the case of Russia. It is very possible that Her Majesty's Government might have been of opinion that the power of Russia is one menacing to the tranquillity of Asia and the independence of Europe, and ought to be checked and curtailed. I give no judgment whatever on that opinion, for I deprecate to-night any discussion on controverted points; but it is an opinion that is neither new nor extravagant, one that has been held in this age by eminent statesmen, and might have been without eccentricity the opinion of Her Majesty's Government. Had it been so, I think their conduct last year, when the insurrection in Poland broke out, would have been perfectly intelligible. An insurrection in Poland, accompanied as it might have been by a rising in Circassia, and sanctioned, stimulated, even supported as it might have been by the great Western Powers, would no have brought about results by no doubt means insignificant. If that was the opinion of Her Majesty's Government, their conduct was intelligible; they excited the movement, they fanned the flame—and then in the midst of the tumult and the conflagration they suddenly drew up. Their conduct became involved in perplexity and ambiguity; and they never once relapsed into frankness, except at last to declare that on no consideration whatever would they ever go to war in favour of a policy which, in justice to Poland and the Poles, they never should have adopted unless they were prepared in reality to support it. But it may be said by Her Majesty's Government—and I give them the fair advantage of the alternative—We repudiate this hypothetical policy you have attributed to us with regard to Russia; we believe that it is the interest of England to maintain the empire of Russia in its strength and integrity as a necessary portion of the political balance, and a bulwark against the aggressive ambition of other great European Powers. But if that be really the policy of Her Majesty's Government, how can they account for those mysterious months of last autumn when the question of peace or war was absolutely a struggle between the capitalists of Europe and the secret societies? Two very strong bodies no doubt—but what we wanted was that some Prince or Potentate, some Sovereign or Minister, some of those individuals who affect to guide the destinies of nations, should, under the circumstances, have come forth to enlighten and to strengthen the opinion of Europe. Take the case of Greece, again. Do we not see in Greece the same confusion, arising from the same inconsistency produced by the same want of system? During the last year hon. Gentlemen on this side of the House—and I shared the feeling—viewed with great reluctance the resolution of Her Majesty to relinquish her Ionian garrisons; but I freely admit that I can conceive a British Minister in a position in which, in order to obtain great results and carry out a bold policy, he might be justified in recommending such a material sacrifice. For example, to establish the strength of the Greek kingdom, and earn the good feeling and confidence of the Greek people, that would have been an object perhaps so paramount as to justify a Minister in making the sacrifice. But then your policy should have been complete. When the sacrifice was made it was not the time to talk over the conditions on which it should have been effected. What is the fact? No sooner does the King of the Greeks arrive in his dominions than the conditions crop up. One day his fortifications are to be razed; another day he hears to his astonishment that a portion of his new dominions is to be neutralized. The neutrality of a portion of a kingdom is almost unprecedented, and is always perilous. Instead of a magnanimous policy, we find one of suspicion—instead of a policy that would make Greece powerful and devoted, we find one that would make it more subordinate. How, too, have we treated this young prince? In what position have we placed this ingenuous youth—who so far, I may be permitted to say, has shown no deficiency of energy and spirit? He must be regarded by the Greeks either as incompetent, or guilty of bad faith. Now, from what I know of the Greeks, with such a painful alternative, I should hardly doubt they would take refuge in the consoling conclusion, that their Sovereign was only guilty of duplicity. Against bad faith one may guard, but what sagacity can baffle the unconscious machinations of stupidity? When we parted last year we did so under the impression that the good understanding existed between England and France. Notwithstanding our refusal to mediate between the contending Powers in America—notwithstanding Mexico—notwithstanding other incidents of the time still fresh in the memory of every hon. Member of the House, the general impression was that the good understanding between England and France existed. A good understanding between England and France is simply this—That so far as the influence of these two great Powers extends, the affairs of the world shall be conducted by their co-operation instead of by their rivalry. But, Sir, co-operation requires not merely identity of interest, but reciprocal good feeling. In public as well as in private affairs, a certain degree of sentiment is necessary for the happy conduct of matters. A kind thing, for instance, ought not to be done in a rough manner, and, if possible, a rough thing ought to be done in a kind manner. The feelings of nations must be considered. Now, Sir, the position of the Emperor of the French, at the end of last year, everybody knows, was a distressful one. The Emperor of the French had held out expectations which he could not fulfil, and he had been worsted in the diplomatic encounter. If ever a Sovereign was in a situation in which he might count on the sympathy of an ally, it was the Emperor of the French; but especially an ally who had very much encouraged him in the erroneous course he had taken. I look upon the proposition for a Congress to have been an adroit manœuvre. Amid a burst of martial music and the roll of artillery the Emperor of the French would have retreated with flying colours. The proposition itself was deficient in soundness. It is very true that there have been great modifications of the Treaty of Vienna. No one denies that. But the scope and tendency of the policy established by the settlement of Vienna has not been changed. Whenever there has been a settlement of Europe affecting to be comprehensive and permanent, it is in the nature of things that there should be periodical variations in its conditions. But unless the scope and tendency of the policy of these settlements is changed, no one ever calls for the abrogation of the Treaty itself. Now, in the 250 years which form diplomatic history, amidst the crowd of Congresses and Conferences which have taken place, there are only three settlements of a permanent and comprehensive character—Westphalia, Utrecht, and Vienna. If you examine the condition of Europe fifty years after the settlements of Westphalia and Utrecht respectively, I will be bound to say you will find as numerous and as important modifications of those settlements as have occurred during the almost fifty years that have elapsed since the settlement of Vienna. But the scope and tendency of the policy fixed at the Treaty of Westphalia and afterwards at Utrecht, was never changed; and no Power, notwithstanding the many disturbances which might have taken place in Europe, ever called upon Europe to abrogate those treaties As it was with the settlements I have just mentioned, so it is with the Treaty of Vienna. Great as have been its modifications, the scope and tendency of that settlement have not been changed, or France would not be so eager to induce Europe to recognise it as a nullity. Now, Sir, under those circumstances, far from disapproving of Her Majesty's Government declining to attend the proposed Congress, giving them credit for the validity of the reasons which induced them to take that course, I cannot extend the like approbation to the manner and to the mode in which their refusal was conveyed. The position of the Emperor of the French is peculiar. He has publicly—almost ostentatiously—proclaimed it to Europe, and therefore there can be no indelicacy in referring to it. He is not, as he has told you, like other Emperors—like the Emperor of Austria or of Russia. He does not stand upon tradition. He is not hedged in by the magic of prescriptive right. He has been created, and can only be maintained, by the sympathies of his people—a proud, imperious, and apt to be discontented people. Humiliate the idol, and the worshippers become disquieted and indignant. A considerate ally ought to have remembered this. But an ally who had encouraged the very policy which had involved the Emperor of the French in his difficulties—an ally who had been the partaker of his projects and a full sharer of his diplomatic discomfiture—such an ally ought not to have received his proposition of a Congress in a spirit of cynical criticism. Sarcasm is no doubt a great ornament of debate, and is recognized as an efficient weapon of rhetoric. But the natural language of diplomacy is conciliation, and it is to be regretted that Secretaries of State, when they convey to foreign Powers the decisions of Sovereigns and Cabinets, should find no happier medium of expression than a sneer. But what makes the conduct of Her Majesty's Government so much less defensible in the present instance is, that when this refusal, couched in this spirit and in these terms, was made to this proposition, they must have been sensible that at that very time, and for a long time, there was approaching the English Government for solution, even pressing for solution, one of those European difficulties in which the cordial sympathy and assistance of our ally must prove of the greatest utility. And that, Sir, brings me to the subject which absorbs almost the only important part of the Speech which we have heard to-day from the Lords' Commissioners. It cannot be said that the affairs of Schleswig-Holstein are passed over without notice in their Speech, but they are noticed only to bewilder. Any person who reads those three paragraphs to which I shall presently call the attention of the House, will find that they do not put the real state of affairs before the House of Commons, and not only do they not put the real state of affairs before the House of Commons, but they place the real question in such a position that Her Majesty's Government have altogether evaded giving an opinion upon it. I have shown the House that in the general conduct of our affairs, whether we look to Russia, to Greece, to France, there have been exhibited by Ministers a confusion, an inconsistency of conduct, a contrariety of courses with regard to the same Powers, and a total want of system in their diplomacy. Now this case of Denmark and Germany, is that an exception to the conduct which I have illustrated in such and so many important instances? When we met last year we were full of the subject. The House expected some explanation of a despatch which had been written by the Secretary of State upon this very question of the relations between Denmark and Germany. I will not upon this occasion give any opinion on the merits or demerits of that despatch. I acknowledge it as an important statement. But although I do not at present propose to enter upon a discussion of the views which it contains on a question which must be discussed at some future day with amplitude of knowledge and precision of argument, and which cannot be treated in a desultory debate on the Address to the Crown on the first night of Parliament—still I will say this of the despatch—that, considering the policy that was recommended in that state paper—considering the time when it was published, and particularly the place where it was penned, its consequence was to encourage the German party—the extreme German party; and I believe that the general impression of Germany as well as of Denmark was that the bias, the strong bias of the English Government was in favour of Germany. Any man who happened to be in Germany at that time must know that for months that despatch was looked upon as indicative of the policy of the English Government, and that a fresh impulse to force a Federal execution was the consequence. To so great an extent did that feeling prevail, that, in the House of Commons, though it was the last night of the Session, the subject was brought before our notice by the hon. Member for Horsham (Mr. S. Fitzgerald), and the Prime Minister made a speech on the subject. Now, what was that speech of the Prime Minister? I give no opinion whatever as to the justness or expediency of the course he recommended, any more than I do of the despatch of the Secretary of State for Foreign Affairs. I would, however, appeal to any one who listened on that occasion to the speech of the Prime Minister, in which he declared that the independence and integrity of Denmark was a great European interest, in which he declared, while duly acknowledging the relations of Holstein to the German Diet, that if the border was passed Denmark would find that she was not alone in the quarrel—I ask the House—I ask both sides of the House with equal confidence—whether the necessary effect of that speech was not, what we all know now it was, to encourage a party that never required any encouragement—namely, the extreme Danish party. Therefore, you see, in this grave question of Germany and Denmark, the same confusion, the same inconsistency, the same incoherency, and the same oppositeness, which I have traced throughout in the diplomatic conduct of Her Majesty's Government. This despatch and this speech having worked, one to encourage Germany to take an extravagant view, and the other to support Denmark in a view equally irrational, we now find the question discussed in the Speech of the Lords Commissioners. I do not doubt that these three paragraphs are perfectly familiar to every hon. Gentleman. The third, fourth, and fifth paragraphs of the Speech from the Throne, the three most important paragraphs in this Speech, are, in fact, a statement of premisses. They are premisses drawn up with great art, and no doubt for very great objects. They were drawn up to impress on the country and upon Europe the solemn and important engagements that have been entered into by all the principal crowned heads of Europe. It reads, in fact, like the *Almanac de Gotha.* First of all there is the treaty; then the style and names of the Sovereigns; then the policy is brought forward, which was the preservation of the balance of power and of the peace of Europe, by the maintenance of the integrity of the Danish monarchy, and that in order to do this his present Majesty, King Christian, should be acknowledged as successor to all the dominions of the late King of Denmark. Now, having brought forward all these premisses, what is the conclusion that is drawn from them? It cannot be found in the Speech, because the third paragraph ends only, "And Her Majesty will continue Her efforts in the interest of peace." The logical conclusion of these three paragraphs is to be found in the speech which the noble Lord at the head of the Government made in this House on the last day of last Session—that in consequence of this treaty, in consequence of the admission into this treaty of all the Sovereigns of Europe, in consequence of the vital interests involved in that treaty, Denmark — if an act of violence was committed against her (for that was the language of the noble Viscount)—Denmark was not to find herself alone in the contest. But here we have these pompous premisses; and what is the conclusion in the Speech? Why, "that Her Majesty will continue Her efforts in the interest of peace." The interest of peace! Why, would any stranger who had listened to the Speech of the Lords Commissioners to-day, and had no other knowledge on the subject, believe that when they thus referred to Germany, the

Eider had actually been passed, that blood had been shed, that perhaps at this moment a great engagement may be taking place? And is Denmark alone? But, Sir, before I touch on the policy of Her Majesty's Government in that respect, there is one observation I must make on those three paragraphs, because they contain an incongruous expression, which if not noticed now may be found very inconvenient in future debates, which are no doubt impending. The House will observe that having stated the object of the treaty, which was to obtain the succession of King Christian to the throne of Denmark, the third paragraph proceeds, "Her Majesty, actuated by the same desire to preserve the peace of Europe, which was one of the declared objects of all the Powers who were parties to that treaty, has been unremitting in Her endeavours to bring about a peaceful settlement of the differences which on this matter have arisen between Germany and Denmark." An utterly inaccurate description of the state of affairs! No dissensions have arisen between Germany and Denmark on this matter, that is, the succession—the undisputed succession—of King Christian to the throne of Denmark. Not even the Diet of Frankfort has come to any resolution questioning the succession of King Christian; and, therefore, the differences existing between Denmark and Germany at this moment have nothing to do with this matter as is alleged by this paragraph of the Speech. No, Sir, these pompous premisses were drawn up in order to prepare us, I doubt not, for what in the opinion of the noble Lord must be the logical and legitimate consequence of the speech which he made last year. But a new light has fallen apparently on the Government. The convenience of Parliamentary Government is appreciated in a free country; but there is one advantage in Parliamentary government not always understood, but which it appears to me at the present time Her Majesty's Government entirely comprehend, and that is, that when the Ministry has not a policy a Parliament may find one for them. What I wish to impress upon the House to-night is that that is by no means our duty. If there be a prerogative of the Crown, which no one has ever challenged, it is the prerogative of the Crown to declare peace or war without the interference of Parliament, by Her Majesty alone, under the advice of her responsible Ministers. And, Sir, if Her Majesty's Government had been of opinion that this country ought to go to war for any cause or on any side, and had advised Her Majesty to take that step, whether that war had been just or unjust, there is no doubt that the Parliament would have supported Her Majesty, at the same time taking their constitutional opportunity of expressing their opinion on the policy of the Government. I mention this because I do not think Her Majesty's Government are eminent for the conciliatory manner in which they treat the House of Commons. It is only very recently we have been reminded—not by the noble Lord, but I dare say by writers whom he recognizes as great masters of the English language—that the affairs of this country are now carried on in a very satisfactory way, so far as the House of Commons is concerned; that the great Departments are principally represented by Under Secretaries, that nobody much cares what they do or say, and that the relations between Her Majesty's Ministers and the House of Commons are fast arriving at that satisfactory condition which subsists between the French Chambers and their master. Well, Sir, humiliate us if they like; degrade us if we must submit; but, at any rate, do not call upon us to bear responsibilities. Sir, if the relations of the House of Commons to the Government are fast approaching the same condition as the relations of the French Chambers to their master, then I say we have a right to look upon the Government to do that which in the language of the day is called "taking the initiative." I, for one, will not help Government out of the difficulties in which they find themselves by coming forward with a cut and dried policy to settle all the differences of Europe. The condition of Europe is, no doubt, one of a grave character, and upon the conduct of the English Government and upon the conduct of Parliament much depends. But it is for the Government to frame a policy and recommend it to us; and I have no doubt that when it is brought before us, if it be a wise policy, the House will unanimously support them; for I have always seen that when foreign affairs have occupied the attention of the House there has been an absence of party strife. But let us be sure about the policy which we are pursuing. Let us be quite sure, if we go to war, first of all that it is a necessary and just war; and secondly, if now necessary, whether it might not have been prevented by more skilful management. I think I have shown some reasons why the country should look with some suspicion on the foreign policy of the present Government. I looked with some suspicion on it last year. I thought I observed in it an uncertainty, an inconsistency, a variance in the course recommended by different Ministers, which seemed to portend the greatest of all evils in public affairs—namely, indecision when the critical hour arises. Her Majesty's Government, indeed, through this particular business of Germany and Denmark, much resembles a certain Danish Prince. He was not a Prince of Augustenburg, nor a Prince of Glucksburg, but one whose name will probably survive them both—that unfortunate Dane was "infirm of purpose"—

> "The times are out of joint: O cursed spite!
> That ever I was born to set it right."

But you are Ministers to set them right, and I do protest against your coming to Parliament in a critical state of affairs without a policy. If you have a policy, let it be brought forward fairly and candidly; but do not come masked and vizored here without our knowing whether in your opinion the claims of Denmark are just or the claims of Germany can be defended. Let us know what is the opinion of the Government; and I more particularly wish to know the opinion of the Government, because what occurred in the recess is not such as to induce an Opposition to give a blind confidence on a question of foreign policy. It could hardly have been in our expectation when last we met—when we were listening to those bold words of the noble Lord on the position of Denmark, and the determination of England to uphold Denmark—which is the only interpretation to be placed on the declaration of the noble Lord—it could hardly have been in our belief that during the six months which have since elapsed a policy so profound, so adroit, so deeply skilful should have been pursued by Her Majesty's Government that they have contrived in that space of time alike to forfeit the confidence of Russia and to lose the cordiality of France. That seems a masterpiece. But what are we to say of men who, having brought about two such opposite results, should now be within an ace of going to war with Germany! I say, Sir, then—I must end as I begin—"What are your objects, and who are your allies?" I will not say you have none. You have the King of Denmark, whom you are not going to aid. Sir, is that a position for England? Can we believe that our affairs have been properly conducted when, a crisis having arrived, we find ourselves literally without allies? But even if the Government were without allies but had a clear course, and frankly appealed to the House of Commons, the House of Commons, I am confident, would support them. But we find them, with all this reserve and reticence, which may be justified in the case of Ministers who have singular ability for conducting public affairs, who, if not supported by the House of Commons, may be supported by France, by Russia, or Austria—we find them with all this reserve and reticence when they are in as desolate a condition with respect to their foreign policy as any Cabinet can be placed. They are bound to tell England at this moment what is the policy they recommend, confident that the country and Parliament will support them if their cause is just; and I am equally sure that, having brought our affairs to this condition, if they have at this moment no policy whatever they have not fulfilled their duties as Ministers of the Crown. The noble Lord (Viscount Palmerston) may tell me—it is one of his stereotyped passages—"If you have not confidence in the Ministers of the Crown why don't you tell us so?" I tell the noble Lord, that when the opportunity is fitting we will challenge the opinion of Parliament. There is no such opportunity given in the document which I hold in my hand. Would it be becoming in me to move an Amendment to the Address, because there is incongruous diplomatic language in these three paragraphs? That is not a ground upon which the issue at stake should be decided. Will the noble Lord inform us what is his policy? Will the noble Lord place the necessary papers before us, which papers are not even promised in the Speech of the Lords Commissioners? If he will, we will form an opinion upon them. We are told, indeed, that "Her Majesty is actuated by the same desire to preserve peace, and has been unremitting in Her endeavours for that object." But what evidence have we that those labours have been unremitting? I should have thought that the noble Lord would have appeared at the Bar the very first night of the Session, and would have placed these proofs on the table of the House. What of the mission of Lord Wodehouse? I cannot suppose that we shall be met with the pedantic reply that Lord Wodehouse had no mission but one of congratulation. We know that Lord Wodehouse went away in a great hurry—that Lord Wodehouse went to Berlin; to Copenhagen; returned by Paris;—we know that Lord Wodehouse had a mission of vast importance, which was eminently unsuccessful. But when this House of Commons is told that there have been unremitting efforts to maintain peace, and not a single paper is placed upon the table, are we to be silent? Are we to submit to the commonplace retort, "If you have no confidence in the Government propose a vote of want of confidence? Give us the documents which will throw the necessary light upon the present state of public affairs, now involved in obscurity, perplexity, mystery, and we will form upon those documents a fair Parliamentary opinion. If the policy of the Government is clear and well-considered then they will be supported. But if they have no policy, if they are at this critical moment without allies, looking for the vague sympathies of Parliament to guide and support them, then I say they are taking an unworthy course—that they are unfit for the offices they fill, and the places they occupy; and, if it is proved that that is the state of affairs, I do not believe that Parliament will hesitate to express its opinion on their conduct.

VISCOUNT PALMERSTON: Sir, I have waited because I should much have preferred to have heard the opinions of other hon. Members besides the right hon. Gentleman, who has just sat down. Of course, the abilities and position of the right hon. Gentleman entitle him to every consideration; but as it appears that the hon. Gentlemen on his side of the House have intrusted to him an unlimited proxy to make their appeal to the House, I shall take leave to deal with the speech which he has delivered. The great complaint of the right hon. Gentleman seems to be, not as to what Her Majesty's Speech contains, but as to what he thinks it ought to have contained. I think that I shall have no difficulty in explaining to the House the reason why some, or many, or all of those topics to which the right hon. Gentleman alluded were not introduced into the Speech. In the first place, he complained that no mention has been made of the civil war now going on in America. Why, we have over and over again lamented and still continue to lament the continuance of that war, and we have declared more than once that Her Majesty's Government profess to act, and intend to continue to act, upon a principle of strict neutrality in regard to that contest. Unless, then, the House had thought that Her Majesty's Government were going to depart from that policy, of which there is no indication whatever, it would have been matter of mere surplusage to have filled the Speech with a repetition of the statements made on former occasions, and which are still binding upon Her Majesty's Government. Then the right hon. Gentleman complained that no mention is made of our relations with China. There is no need to mention your relations with a country as long as they are good, and as we continue to be upon relations of confidence and amity with the Chinese Government, there was no occasion to mention that circumstance. The right hon. Gentleman also complains that the Speech does not contain a repetition of the statement which is to be found in other Speeches as to the nature of our relations with foreign Powers. Why, everybody must know that there have been between Her Majesty's Government and certain foreign Powers discussions which even until within the last few hours were not brought to a satisfactory termination, and that was the reason why the subject was not alluded to in Her Majesty's Speech. It was unnecessary to state anything about Poland. Every one knows that the efforts made by England, France, and other Governments to induce the Government of Russia to adopt a more humane and conciliatory course of conduct towards Poland have failed; that the answer received from the Emperor was, that until the insurrection was put down he could not change his proceeding, but that when the insurrection should have ceased he was prepared to do those things which we recommended; and there was no need to repeat in Her Majesty's Speech that which was perfectly well known many months ago to this House and to everybody in the country. The right hon. Gentleman then complains of the manner in which the proposal of the Emperor of the French for a general Congress was received and answered by Her Majesty's Government. I totally deny that there was anything discourteous said or meant in the answer. The habits of this country are perhaps more plain and simple in giving expression to their opinions than those of

Continental nations. We state our opinions and we give our reasons, but we do not often abound in those superfluous expressions of compliment which we are accustomed to hear from our neighbours. But there is nothing in that answer which can, with any semblance of justice, be called uncourteous, uncivil, or unfriendly, or otherwise than was due between two Governments which are upon a footing of reciprocal confidence. I do not think that the right hon. Gentleman was of opinion that the proposal for a Congress ought to have been accepted. He quoted instances in which the general principles which had governed Congresses were maintained for a great lapse of years, although many of the detailed conditions of the arrangements had been changed. So it is with regard to the Treaty of Vienna. A Congress can only with advantage take place under circumstances such as those which existed in the year 1815. At that time the course of conquest, proceeding from the banks of the Seine, had flowed to Moscow, and had overturned all the previously existing arrangements in Europe. The reflux of the tide had swept away everything that French conquest had established in lieu of what had existed before. It was necessary that Europe should be re-arranged, and there was power to re-arrange it, because the Congress which assembled consisted of the Governments which had armies in the field to maintain their decisions, and in point of fact had military possession of Europe. Nothing similar to that exists at the present moment. You might assemble a Congress representing all the Powers of Europe, and if all the members of that Congress were agreed upon any particular proposal, that proposal would naturally be adopted. But a single dissentient voice would upset everything; for it must be borne in mind that in such cases there is no authority in the majority to bind the minority, and therefore the result of the Congress would be absolutely nil. The Congress might have met for the purpose of sanctioning, by a new treaty, the present state of things. But can you for a moment believe that Austria at such a Congress would give her sanction to the present condition of things in Italy? Or could you have asked the King of Italy to sign a treaty by which he agreed to circumscribe his territories as now existing, and to forego any future claim upon Venetia and on Rome? Why, of course, you would not. Then, could the existing state of things have been taken as a basis for introducing such changes as the Congress might deem it expedient to make? Those changes would have involved a transfer of territory from one Power to another. To that, of course, there would have been an objection on the part of the Power that was to make the cession which could not be over-ruled by the opinion of the majority. It was our opinion, therefore, that such a Congress, instead of confirming and strengthening the foundations of peace, would have led to the separation of its members after rendering differences of opinion more pointed, and diversities of interest more irreconcilable. The right hon. Gentleman, indeed, suggested an amendment of our answer: whether it would have contributed to confirm the good feeling between England and France I do not know, but he seemed to imply that we might have inserted in our despatch that this proposal for a Congress was "an adroit manœuvre." Well, we really did not think that such was the state of the case. We believed the proposal to be made in perfect sincerity and good faith by the Emperor of the French, who thought it might lead to the good results he anticipated. We differed from that view of the Emperor of the French—we stated our reasons for that difference—and we trust that our difference has not made any permanent or material alteration in the good feeling between the two Governments. Indeed, I can give the House the assurance, because I have had recent communications to that effect, that the relations between the two Governments are as cordial as they were before the correspondence. Of course, when the Governments of two great countries like France and England are in communication upon matters of great interest to them and to Europe, strong as may be their desire to act together, each must have views and interests of its own; and without any interruption of friendly relations there may and must often be differences of opinion as to the practical application of principles upon which in general they concur. And, therefore, if upon a particular subject the English and French Governments may not take the same view of what is to be done, it must not be supposed that a man is justified in saying the relations between the Governments are less friendly than they were before. Mexico was mentioned by the right hon. Gentleman. Is that cited as an instance of an occasional coldness between the two Governments? A jealous English Government might have looked with disfavour upon the attempt to establish in Mexico a monarchy under the protection of France. But have we expressed the slightest jealousy, the slightest disfavour towards such a proceeding? On the contrary, we stated, fairly and cordially, that if the French Government could establish order and regular government in Mexico, even though that might be accomplished by a French army, we thought the step would be not only for the benefit of the people of Mexico, but also for the advantage of all the nations of Europe having commercial intercourse with that country. And, therefore, far from being an instance of coldness or distrust between the two Governments, the right hon. Gentleman might have mentioned the case of Mexico as an instance of confidence on our part, well deserved and well appreciated by the Government of France. The right hon. Gentleman stated tauntingly that sarcasm was a very fit instrument to use in debate. He might have recollected that sarcasm is not a test of truth, and that though very useful as a flourish, it does not establish an argument unless it is accompanied by something more solid and substantial. The right hon. Gentleman addressed himself mainly to the Schleswig-Holstein question, and complained that the Government came down to the House without a policy. First of all, I deny that, and I will show him by-and-by that he is in error. But really, from the manner in which he dealt with the subject, I was every moment expecting that he would give us his policy. He kept dangling before our eyes a sort of half expectation that he would offer some suggestion, but ultimately disappointed us. He promised us support whenever our policy should be declared, and for that promise we feel very thankful, and shall not fail to remind him when the time comes; but he did not condescend to tell us what he thought the policy of the Government ought to be. He said the Government had no policy; but he read a paragraph from the Royal Speech which contains our policy. That has been to endeavour to bring to a friendly settlement the differences which have arisen between Germany and Denmark, connected with the Treaty of 1852. He says there were no such differences. Why, does not the right hon. Gentleman know that many of the Governments of Germany have repudiated that treaty, and declared that the Prince of Augustenburg ought to be Duke of Holstein, in place of the King of Denmark? Does he not know that Bavaria was never a party to the treaty, and is therefore free to act; and that Wurtemburg, which became a party by acceding to the treaty, has thrown it over and espoused the cause of the Prince of Augustenburg? Does he not know that Saxony, also a party to the treaty, has pursued the same course; and that when the Federal troops entered Holstein the Royal Arms were torn down and the Duke of Augustenburg declared Sovereign of Holstein? And, knowing this, can he say that there were no differences between Germany and Denmark as connected with, or arising from, the Treaty of 1852? We have been employed in endeavouring to bring those difficulties to a friendly settlement. Is that not a policy? or is it a policy which, according to the tenour of his argument, the right hon. Gentleman condemns? He hints that the Government were bound, and ought to have gone to war immediately; that, instead of employing diplomatic persuasion with a view of preserving peace, we were bound by our former declarations to rush headlong into war for the purpose of establishing the Treaty of 1852. That was not the policy of the Government. We thought it right and proper to exhaust the means of diplomatic persuasion, and to a great extent we have succeeded in that policy. At the time the Governments of Austria and Prussia seemed to be hesitating whether they would abide by the treaty or not, there was a plea set up in Germany that those who had signed or acceded to the treaty were released from its engagements, because Denmark had not fulfilled another and a distinct engagement entered into before the treaty in a separate correspondence, not alluded to in the treaty as forming one of the conditions, and, therefore, entirely disconnected from the treaty. We protested against that idea. We said, "The Treaty of 1852 is plain, simple, positive, and unconditional; there is nothing in it which entitles you to say that because Denmark has not fulfilled a prior engagement—an engagement, namely, not to incorporate Schleswig with Denmark—therefore you are released from your engagement to acknowledge King Christian as King of all the territories held under the Danish sway. If you had intended to couple these two things together, you ought to have done so in the Treaty of

1852. You could have inserted a condition providing that you would only recognise King Christian if the arrangements were made upon which you insisted with regard to Schleswig and Denmark. You did not do so, and you have no right to discharge yourselves from the obligations of that treaty because the Danes failed in another and a different matter." We said, "The failure of Denmark gives you a right of war if you do not choose to accomplish your object by negotiation and persuasion—a right of war against the King whom you are bound by the treaty to acknowledge; but it does not give you a right to release yourselves from that treaty and to acknowledge the Prince of Augustenburg as Duke of Holstein." There has been a great deal of negotiation and communication on the subject; and I am happy to say that within the last very few hours we have received information from the Austrian and Prussian Governments, that they are prepared to declare that they abide by the Treaty of 1852, and will maintain the integrity of the Danish monarchy in accordance with the provisions of that treaty. We have no policy! Is not that a policy? I say it is; that it is a sound policy, and one which will be approved by the people of this country. Speaking fairly and impartially, I must say that while, on the one hand, I think the Germans have been guilty of great and unjustifiable aggression, on the other hand one must confess that the Danes have been wanting in the fulfilment of their obligations. The patent of March last was a violation, in many of its details, of the Federal laws applicable to the States within the Confederation, and the Diet called on the late King of Denmark to revoke that patent. The late King was advised by Ministers who were many of them very able, but yet took too exclusively Danish a view of matters, and the result was that he did not, and would not, revoke that patent. Execution was decreed by the Diet; and the Diet in exercising their powers decreed that troops should go into Holstein, being part of the Confederation, for the purpose of compelling the Sovereign to revoke the patent. Well, we foresaw that if the troops of the Confederation, under the excitement which existed in Germany after the death of the late King, and in the midst of the demands which were made by the smaller Powers to upset the treaty and dismember Denmark, should go into Holstein for the purpose of execution, under the shadow of their protection revolutionary movements would be got up by the active party in Germany, and the authority of the Sovereign would for the moment be overthrown. We therefore urged the King of Denmark to lose no time in revoking the patent, and to put himself in the right with respect to Germany. He did so; but, nevertheless, execution took place. The Federal troops marched into Holstein for the purpose of obtaining the revocation of the patent after the patent had been actually revoked. Well, it is fair to say that, for reasons the force of which we certainly admit, Austria and Prussia moved in the Diet that that measure should be a measure of execution, instead of being, what the smaller Powers who wanted to dismember Denmark recommended, a measure of occupation—that is to say, occupying Holstein in order that the Diet might determine who should be Duke. Well, Austria and Prussia by persuading the Diet to send their troops into Holstein as a measure of execution, acted in a manner more friendly to Denmark than if occupation had taken place. We must admit there is force in that. We deny altogether that the Diet has any power or any authority whatever to determine who should be Duke of Holstein. There is not one word in the Federal Act which forms part of the Treaty of 1815, by which the Diet was constituted, which gives any such power or authority to the Diet of Frankfort; nor is there anything in the final Act of 1820, which was an Act of the Diet, which gives any such power; and, therefore, we contend that it would be an act of usurpation to declare the Prince of Augustenburg Duke of Holstein instead of the King of Denmark. But the moment that Austria and Prussia persuaded the Diet to send in troops by way of execution, the question, as far as Austria and Prussia were concerned, was settled, because it was an acknowledgment of the King of Denmark as Duke of Holstein. Then came the other point — namely, the Constitution of last year, which we must admit did virtually if not actually tend to incorporate Schleswig with Denmark, because it established one Parliament for both; and in the negotiations which preceded the conclusion of the Treaty of 1852, two agreements were made, one balancing the other—an agreement by Denmark that she would not incorporate or do anything that would tend to incorporate Schleswig with Denmark, and an agreement by Austria and Prussia on behalf of Germany, that they would forego all those claims and demands which up to that time had been made for an administrative and political union of Holstein with Schleswig. Well, Austria and Prussia now claim the fulfilment of the first of those agreements —that made by Denmark—and of course they ought to be prepared to fulfil their own, which was the compensating agreement. But the Government of Denmark unfortunately—I will not say why or how — sanctioned, upon the accession of the present King, the Constitution of November, which was so objectionable; and the Parliament, which might have revoked its own Act, was dissolved, and therefore in December last there was no authority that could legally and constitutionally comply with what we admit to be the just demands of Austria and Prussia with regard to Schleswig. In that state of things Austria and Prussia summoned the Danish Government to revoke the Constitution; but, unfortunately, their summons was so limited in point of time that it was physically impossible it could be complied with. When you call for an impossibility and threaten violence if that impossibility is not done, you put yourselves in the wrong. Such was the menace of Austria and Prussia. Well, we, in conjunction with France, Russia, and Sweden—we have no allies, as the right hon. Gentleman says, but it so happens by some accommodation of circumstances, call it what you like—we and other Powers who think with us urged Austria and Prussia to wait and give the time necessary to assemble the Danish Parliament and propose to it the revocation of the Constitution. Unfortunately, that advice has not been complied with. The Austrian and Prussian troops have entered Schleswig violently, although the Danish Government, at our urgent request and that of the other Powers whom I have mentioned, formally promised to lose no time in convoking its Parliament and proposing the revocation of the November Constitution. Nevertheless, although the demands of Austria and Prussia are virtually conceded—that is to say, they would be conceded as soon as it was practicable to do so —they have forcibly entered the territory of Schleswig, and, as everybody knows, a conflict has arisen, most lamentable, and, as we think, most unjustifiable. We made many applications to prevent this—we have no policy, Sir—but it was done somehow or other. But after the two Powers had refused to give Denmark the time necessary to make the arrangements by which alone that Constitution could be revoked, we made this proposal:—We said, "You ask to take Schleswig as a material guarantee. That is a most dangerous principle. The taking of the territory of a weak Power by a strong Power as a material guarantee for compliance with demands is a principle dangerous to the independence of every small State in Europe. It is a principle which was acted upon by Russia when she took possession of the Principalities as a material guarantee for compliance by Turkey with demands made upon her, and it ended in the Crimean war." But we added, "We offer you a diplomatic security. We propose that a protocol, which is equivalent to a treaty, should be signed in London by the representatives of England, France, Austria, Prussia, Russia, Sweden, and Denmark, and that by that protocol Denmark should promise to take the earliest steps for revoking the Constitution of November; that time should be given her; that England, France, Russia, and Sweden should be, as it were, pledges to Austria and Prussia for the fulfilment of that condition, and that Austria and Prussia should accept that treaty guarantee in lieu of the territorial guarantee which they demand." Well, they told us that it was too late; that military arrangements had been made; that troops could not be kept waiting on the frontiers of Schleswig until the Danish Parliament should assemble; and perhaps it would not revoke the Constitution after all, and therefore they must go on. We said, "We cannot believe that the Parliament, when assembled—considering the state of danger in which the country is, and how the Danish Monarchy is pledged—will refuse to make good the arrangement. All we can say is, if you agree to that and Denmark fail, Denmark will be entirely in the wrong, and she must not look for assistance, moral or material, from any Power whatever." Well, Sir, that is the present state of things with Austria and Prussia. We think they are not justified in entering Danish territory. One motive, no doubt, has weighed with them. They think the winter season more favourable to their operations than the spring would be; that in the winter it would be difficult if not impossible for Denmark to receive military or naval aid from any other Power, however disposed to render it, and therefore they picious from the influences to which the noble Lord had necessarily been subjected for some short period previously, and still more suspicious because it was contrary to that which the noble Lord had before proposed, and which had been the uniform policy of this country for many years. The noble Lord proposed that Holstein and Lauenburg should have all that the German Confederation asked for. He consented that Schleswig should have the power of self-government, but he added that it was not to be represented in the Rigsraad, or common Parliament. In the first instance, the noble Lord proposed that a common Constitution should be granted; but in the second it was not to be given at all. The next proposal of the noble Lord is, that the normal budget should be agreed to by Denmark and the three Duchies, Holstein, Schleswig, and Lauenberg; but that any extraordinary expense was to be submitted to the Rigsraad and to the separate Diets of Holstein and Schleswig, for their amendment, rejection, or adoption. So that, having in the first despatch proposed a common Constitution, in his second the noble Lord said a common Constitution was totally impossible, and proposed an entire separation, not only of Holstein, but of Schleswig, from the Danish monarchy. But the noble Lord's third despatch was as contradictory of his second as his second was of his first. In this he condemned entirely the project of having separate Diets, each with the power of negativing votes which might be necessary for the common defence of the country; and he said it was not to be endured that, supposing, for instance, any vote for the common defence of the monarchy were agreed on by Denmark and Schleswig, the whole system should be paralyzed by the independent action of the Diet of Holstein. But the proposal which he blamed in this despatch was exactly that which he had proposed in his second. My right hon. Friend, therefore, had the best ground for characterizing the noble Lord's policy, from the beginning to the end of this matter, as vacillating, confused, contradictory, and consequently dangerous to the peace of Europe, because at one time you encourage the pretensions of Germany, at another time the pretensions of Denmark; the result being neither of them knowing which side you take, both flattering themselves that they have your sympathy, till at last they are brought into that state of relations, and into that dangerous position in which they now stand. The noble Lord who has just spoken to some extent differs from the noble Lord at the Foreign Office on this question; but he has shown himself almost as inconsistent as the noble Earl himself. In the remarkable declaration which he made at the end of last Session, in answer to some observations of my own, the noble Viscount said that the Germans were free to act as they like as regarded Holstein, because Holstein was a German province; but that as regarded Schleswig questions, they could not be raised between Germany and Denmark alone; and the Germans, if they attempted so to limit the discussion of them, would find to their surprise that other Powers would deal with those questions. But now the noble Lord entirely shifts his ground, and tells us that he himself thinks that the new Constitution for Schleswig is contrary to the engagement entered into by Denmark in 1851, and that it either is the incorporation or it tends to the incorporation of Schleswig. The noble Lord on this occasion has not been favoured with his accustomed accuracy of memory. True, mutual concessions were made on both sides on that occasion, Germany saying that she would give up any question as to administrative union between Schleswig and Holstein, and Denmark, on the other hand, undertaking that there should be nothing like incorporation; but, at the same time, there was an express declaration on the part of Austria, that the establishment of a common Constitution between Schleswig, Holstein, and Denmark for the common affairs of the monarchy should not be considered any breach of those stipulations, and should not be considered incorporation. The noble Lord, therefore, now takes up a position totally opposed to the express declaration of the German Powers. The noble Lord also says that the Constitution given to Holstein in March last was a total breach of Federal law. I should like an explanation on that point. That Constitution was of the freest kind; it gave to the people of Holstein the control over their own taxes, over their own legislation—for purposes of religion, education, Customs, and the like; it gave them in short, complete consent over their own affairs. I can understand how such a Constitution may be contrary to the spirit of some of the German Sovereigns who are now opposed to Denmark; but it will severely tax even the noble Lord's ability to prove that it was a breach of Federal law. The great point after all, however, is, what is the policy of the noble Lord in this matter? The noble Lord says that it is sufficiently expounded in the Speech of the Royal Commissioners, but the speech of the hon. Gentleman who seconded the Address proved the fallacy of that assertion. That hon. Gentleman said the policy of the Government might be directed to secure peace. The Government may secure peace in two ways, either by surrendering everything, and inducing our ally to surrender everything, or perhaps it may be best to take our stand boldly and energetically by the side of our ally. I am not recommending the one policy or the other, but I want to know what the Government are prepared to do? Are we going to secure the peace of Europe by standing by our allies or by deserting them? Each course may be called a peaceful policy, but what appears to be a peaceful policy may lead to a general war, while what may be called a hostile policy may be more calculated to secure the general peace of Europe. There is, I may add, one thing which is obvious on the face of the Speech, and that is that it is a speech fishing for a policy. It announces nothing; it is dictated by a Cabinet of compromise—by a Cabinet whose members are divided in the opinions which they entertained. In support of this view I may refer to a speech which some time ago appeared under the heading, "Extra Parliamentary Utterances," in the columns of the leading journal, and which was attributed to the President of the Board of Trade, who seemed to have seized the opportunity to draw the widest distinction between himself and his Colleagues. One of those Colleagues had not very long previously said that the question of Reform had gone by, while another had observed that it was a question no Government could deal with, inasmuch, so far as it was concerned, the country was entirely apathetic. The President of the Board of Trade, nevertheless, thought proper to direct nearly the whole of his speech to a subject which his Colleagues were disposed to regard so lightly, while, when challenged at the close of his address to say a word with respect to the great question which was agitating at the moment, and was still agitating, not only this country but Europe—a question involving peace or war—he had no better answer to make than that his study of that question had been somewhat negligent, and that he had no information relative to it to afford. Such is the reply of a Minister who is in the counsels of the Queen, and who, in a grave crisis, does not hesitate to confess his ignorance on one of the most important points on which he could be called upon to give an opinion. When we find a Cabinet constituted of such men, it is, indeed, no wonder that the country should be without a fixed policy, while it is painful to think that in every State on the Continent through which an Englishman might pass, he is exposed to the humiliation of hearing the course which has been pursued by our Government as one without principle, and as one degrading to our position as a nation. For my own part I will say, that if the foreign policy of England and the zeal of her Minister are to be demonstrated by the writing of despatches destitute alike of dignity and courtesy—if sarcasm is to pass for argument, and if the language to be used is such as is calculated rather to irritate than to conciliate, I can understand the course taken—call it energetic if you will—by the noble Lord the Minister for Foreign Affairs. The noble Lord never loses an opportunity of writing despatches of a character more calculated to alienate than to conciliate, and to make enemies instead of preserving friends. If your policy be that of no surrender, it seems to me a most extraordinary step for you to offer our guarantee that the Danish Parliament should abrogate the constitution which it has itself created. If that is to be our position—if you say to your ally that the moment all concessions are granted that you will leave her to fight her own battle, then I say that is a policy that will be justly stigmatized in every country in Europe as humiliating and degrading, and I think the country will agree with me in that opinion.

MR. GRANT DUFF said, the gracious Speech to which we have to-day listened contains one paragraph, the interest of which is so absorbing that I shall confine the observations which I have to make exclusively to it. I allude of course to the paragraph which refers to the Danish war. In this country, Sir, and I fear in this House, public opinion is enlisted rather in favour of Denmark than of Germany. I have never been able to take that view of the matter, and I hope that I may be allowed to explain as shortly as I can why I cannot do so now. It is constantly and truly said that Germany is strong, while Denmark is comparatively weak, and the people of this country look upon the struggle which has now been going on for so many years pretty much as a contest between two boxers, where all the strength is on the side of the one, and all the pluck on the side of the other. But, Sir, because a Power is weak, is that a reason why we should sympathise with it, when it can be shown to have for years been presuming on its weakness, and acting with the most glaring disregard of justice? Why, what is the truth about this Schleswig-Holstein question, which is difficult, but has, I will venture to say, the credit of being more difficult than it really is, and with regard to which the remark of Bacon is emphatically correct, "that the kernel of the biggest business lies in a very little room." The truth of the whole affair is simply this, that the Eider-Dane party, the party, that is, which carried through the revolution of 1848 at Copenhagen, had set its heart on a Scandinavian union, and it shrunk from the idea of entering that union only with Jutland and the Isles, and thus putting Denmark at a great disadvantage as regards Sweden and Norway. That party comprised before 1848 all the young and vigorous life of Denmark. Aided by the storm which rushed through Europe in that eventful year, it swept away the old "Whole State Party" altogether, and prevailed upon the King to decree its darling project, the incorporation of Schleswig. Then followed the Schleswig-Holstein war, for the aspirations of the Eider-Dane party, aspirations perfectly natural in themselves, met the equally natural enthusiasm of the Schleswig-Holsteiners. There was, however, it will be observed, this difference between the aspirations of the Eider-Danes and the enthusiasm of the Schleswig-Holsteiners: one was aggressive and innovating, however natural; the other, equally natural, had its root deep in the traditions of many hundred years. In 1846, when the celebrated patent of Christian VIII. was thrown as a firebrand among the political writers of Europe, this was the state of things. Holstein was, by the admission of all, connected with Denmark only by a personal union—that is, by the same kind of union by which, before the accession of her present Majesty, England was joined to Hanover. Schleswig and Holstein were, however, strange to say, united to each other by an incorporate union—that is, by a union as close as that which connects England and Scotland, whilst Schleswig was connected with Denmark, according to one party, by a personal, according to another, by a real union—that is, by a union like that which, *de jure*, exists between Austria and Hungary. No one, however, pretended to say that Schleswig was connected with Denmark by ties so close as those which bound her to her sister duchy. That was the state of things in 1846. But the mind of Christian VIII. was agitated in that year of European calm by a grave solicitude. It seemed that but a short time would elapse before Denmark and the Isles would pass to the Landgravine of Hesse, and both duchies, perhaps, but Holstein assuredly, would pass to the Duke of Augustenburg. No wonder that the mind of the king was disquieted by this prospect. He sought for a remedy. There was a famous precedent in European history—the precedent of Charles VI., the Pragmatic Sanction. Unluckily, the King of Denmark did not choose to follow this precedent. Instead of negotiating with the parties concerned, he had recourse to an act of authority which agreed well with both the traditions of his house and with the passions of his people, but ill, indeed, with their ultimate interests, or with the peace of Europe. He presumed to alter the succession to all his dominions by an arbitrary act. Well, this arbitrary act and the Eider-Dane agitation, of which I have spoken, brought on the Schleswig-Holstein War. What would have been the result of that war, if Denmark and Schleswig-Holstein had been left to fight it out? That question will be differently answered, of course, as one turns to Danish or to German authorities; but no fair-minded man will deny that the combatants were pretty well matched. What happened? The reaction had set in in Germany, and the reactionary party forced the German Diet, in the teeth of the wishes of the German people, to pacify Schleswig-Holstein. Holstein was occupied by Federal troops; the insurrectionary Government—if, indeed, it deserves a name which seems to imply a censure—laid down its arms, and arrangements were come to of great importance upon the subject of Schleswig. Further arrangements were come to on the same subject in the succeeding year, Austria and Prussia acting as negotiators for the German Diet. All the trouble that arose between 1851 and the end of last year, arose from Denmark's obstinate and most dishonest refusal to carry out, in a fair spirit, the stipulations of 1850 and 1851. In the end of last year, a fresh element of difficulty was added to the question. The King of Denmark died; and he died, Sir, without having carried out either his obligations towards Germany, created in 1850-51, or the obligations which it was necessary for him to fulfil before the provisions of the London Treaty of 1852 for the regulation of the succession could come into effect. In short, Sir, he never took care that that right of succession to the Duchies, in the person of the present King of Denmark—which I fully admit we are bound to recognize, when it is once called into existence—should ever exist. Sir, I am not one of those who think that the rights of any sovereign, merely as rights, are worth shedding much blood for; but Duke Frederick has as good a right to rule, probably both these Duchies, and most certainly Holstein, as any sovereign in Europe has to wear his crown. It comes, then, to this. English opinion is enthusiastic in its support of the Danish people, which supported a legitimate sovereign, Frederick VII., who cast to the winds his legal and honourable obligations in the Duchies, and which now support the present King, who, at least in Holstein and probably in Schleswig, is a pretender, and has no more right to rule there than any man in this House. But, Sir, while I deny that Denmark has any right to our sympathy, I have no sympathy to offer to either Austria or Prussia. The governments of these two countries are playing their own game, irrespective of the feelings and wishes of the populations which they rule. The Austrian Government is hardly half-trusted by its Parliament; the Prussian Government is at open war with the legislature in Berlin. The action of the small German States and of the Diet, on the other hand, has been perfectly logical, and is supported by nine-tenths of the German people, and is not open, so far as I can see, to any objection upon any grounds of right or of law. I say emphatically "of right or of law," for I do not mean for a moment to say that I applaud the policy which finds favour with the German people at this moment. I cannot understand how any one, not a German or a Dane, can feel very warmly upon either side of the question. I have been treating it as a pure question of law, which seems to me calculated to excite as little enthusiasm in the mind of any reasonable person not directly interested as the most common-place question of real property law that was ever argued in the Court of Chancery. I can, however, perfectly understand the strong feeling which exists in Germany on the subject. Let us pair off the nationality mania of Germany against the nationality mania of Scandinavia; although it is obvious enough that, of the united Duchies, something like three-fourths are German, and only one-fourth Scandinavian. Let that pass. There still remains the fact that the German people were made by their reactionary rulers to play a most absurd and humiliating part in the last Schleswig-Holstein war, and that this Schleswig-Holstein question has become inextricably bound up with the aspirations of Germany for what it so ardently desires—real political life. On the other hand, I know and perfectly understand that the cry of "Denmark to the Eider" has become identified with the highest political aspirations of the Danish people. What, Sir, results from all of this? It results that we have nothing to do except to let it alone; and having failed in our attempts to avert hostilities, we should retire from any connection with an affair in which we have neither honour nor interest to defend. What interest have we? Is it a dynastic interest? The heir to the throne has married a daugher of one belligerent; the husband of the Princess Royal commands, or is to command, a division in the armies of the other. Is it an interest of trade? Does it make any matter to us what Power holds the Southern half of the Danish peninsula? Is it a naval interest? Do we care three farthings whether the Germans have or have not a fleet? or who holds the harbour of Kiel? I am glad to find, from the observations of the noble Lord at the head of the Government, that there seems good reason to conclude that our honour is not so engaged as to oblige us to go to war. The noble Lord has stated that, within the last few hours, he has receive information that Austria and Prussia are prepared to stand by the Treaty of 1852. That means, I suppose, that they are prepared to stand by the interpretation which they are pleased to put upon that treaty. But does the noble Lord really imagine that such a settlement as Austria and Prussia are disposed to come to would be likely to be a permanent one? Does he know the extent to which passions are roused upon both sides? Is he aware of the intense excitement which prevails at Copenhagen, and of the not less intense excitement which prevails from the North Sea to the Danube, and from the Vistula to the Rhine? I think it is more than possible that no really definite settlement of this question will be arrived at before there is a German Union and a Scandinavian Union. It may be that the formation of these Unions is far off; it may be that the day for them will never arrive; but let us at least do nothing to make them impossible. We have enough to do in the world, without trying to galvanize dead nations, or preventing new ones from being called into life.

Sir HARRY VERNEY said, that although it was not worth while shedding much blood to decide whether a Glucksburg or an Augustenburg should reign in Denmark and the Duchies, it was worth while running some risk and shedding a little blood in order to establish the principle, that the inhabitants of a country having constitutional representation and a constitutional Government should be consulted as to the monarch who should rule them. There were constitutional Estates in Schleswig and Holstein, and it was therefore a most extraordinary proceeding that a liberal and constitutional Government like that of England should join with the other nations of Europe to say who should be the future ruler of the Duchies without consulting those Estates. The quarrel of the Bund with Denmark was founded upon the fact that the King of Denmark attempted to impose upon Holstein a constitution which had never been submitted to the Estates; and M. Hall, the Danish Minister, himself admitted that any attempt to incorporate Schleswig with Denmark would give to Austria and Prussia and the German Bund a right to interfere. Until the year 1846 the people of Schleswig and Holstein were a well governed, happy, and contented population; and all the discontent and all the trouble which had since occurred had arisen from the attempts of the King of Denmark, at the instigation of a certain party, to incorporate Schleswig with his kingdom. When the Austrians and Prussians, acting for the German Bund, compelled the Schleswig-Holsteiners to lay down their arms, in 1848, they guaranteed that the King of Denmark should restore to them their ancient privileges. This, despite the exertions of our Ministers and their own, had never been done, and, therefore, the Bund had not only a legal right, but was bound to interfere for the protection of these people. The principal stipulations into which the King of Denmark entered were that he would never incorporate Schleswig with Denmark, that he would give equal privileges to the German and Danish inhabitants of Schleswig-Holstein, and that he would govern the two duchies by the natives of each respectively. English Ministers had stated that these promises were constantly and systematically violated by Denmark. There were in the blue-book at least a hundred despatches to that effect. The Schleswig-Holstein question was one of race; the Scandinavian race oppressing the Germans. He had visited those countries with the view of inspecting their beautiful farms, whence come the cattle which keep down the price of meat in England, and he must say he had never witnessed a more moral, religious, or patient people, or a people better deserving the sympathy of England. The greatest injustice was done them by the Danish Government, nevertheless they bore their sufferings with the most praiseworthy calm and fortitude. One mode of oppressing them was, taking advantage of the value of the inhabitants for the ordinances of religion, to provide that they should not be confirmed unless they learnt Danish; and although, upon the representation of England and France, that had been modified, candidates for confirmation were still required to pass a previous examination in Danish. From statements resting on the authority of our Minister, Mr. Paget, it appeared that on the eve of elections persons were frequently arrested and charged with crimes which, by the law of Denmark, forfeited for the time the franchise of the accused. He hoped Her Majesty's Government had no intention of involving the country in war; but he believed, if the truth were told in England, as it had never yet been, the sympathy of the country would go with the German subjects of Denmark, and not with the Danes. All the Danes whom he had met were accomplished, agreeable, excellent men; but in Schleswig-Holstein they were tyrants, and, as such, were detested. It is well that the Germans should know, that one reason why their countrymen in Schleswig-Holstein had not experienced that sympathy to which all oppressed people were entitled in England was, because Germans themselves acted the part of oppressors in Posen; a very illogical reason, to be sure, but still one exercising considerable influence in this country.

MR. HENNESSY said, that during the Polish debate of last Session, the right hon. Gentleman the Chancellor of the Exchequer, had stated, in reply to the right hon. Member for Stroud (Mr. Horsman), that Earl Russell in declaring that under no circumstances would England go to war for that country, made one important reservation—namely, that any attempt on the part of Russia to exterminate the Poles would cause England and other European nations to interfere actively and put a stop to the design. That declaration was made in July, and in November of the same year the noble Lord at the head of the Government, in speaking at the Mansion House, alluded to "the barbarous system of deliberate extermination" carried out by Russia at the expense of the Poles. That was a true representation of the system deliberately adopted by the Russians; and, if so, he wished to ask what steps had been taken to give effect to the declaration of Earl Russell. During the recess, the noble Lord the Foreign Secretary made a still more important declaration. In 1859 the noble Earl selected Scotland as the place from which to proclaim the policy of the Government with respect to Italy; and in 1863 he chose Blairgowrie as the spot from which he would announce his views in reference to Poland. He then declared that the conditions upon which Russia obtained her dominion in Poland had not been fulfilled, and, consequently, that the Russian dominion in Poland was forfeited. That was taking a step in advance, and the diplomatic effect of such a statement contained in a despatch would have been very great. The noble Lord did, in fact, prepare a short despatch, which was to close the correspondence for 1863, and in that he inserted a sentence equivalent to his Blairgowrie declaration, that, as far as England was concerned, Russia had forfeited her right to rule in Poland. That despatch, he believed, was communicated to Count Rechberg at Vienna, to M. Bismark at Berlin, and Lord Napier was instructed to sound Prince Gortschakoff privately as to the effect which such a despatch would have upon the Russian Government. Whatever the answer was which Prince Gortschakoff gave to Lord Napier, or whatever the criticism from M. Bismark or Count Rechberg, this much was known, that the important declaration which Lord Russell had put into the despatch was erased, the despatch itself recalled, and sent to Prince Gortschakoff in its altered form. He wished to ask the Government what was the character of that altered despatch, and what were the reasons which could have produced so serious a change in their policy? The effect of Earl Russell's declaration would have been to recognise an independent Poland, and he wished to know whether the Government still adhered to the view that Russian dominion was forfeited. England had fallen low enough already, but it would add to her disgrace if it appeared that a Foreign Office despatch had been altered and the only important sentence in it struck out upon an objection made by the Minister of a Foreign Court. He wished to ask the House to consider the propriety of insisting upon the Government making such a diplomatic declaration; because it did not involve us in war, but it would simply wash our hands of a business that had covered us as well as Russia with so much disgrace. Such a course would give the Poles the utmost satisfaction. The Poles had never asked us for armed intervention in their behalf; but they did ask with justice that they should have the benefit of a solemn declaration by the British Minister, and that it should not be withdrawn upon a menace by a Foreign Minister. The Poles had acted very prudently in not asking for our intervention, and they had shown that for the last year they had been able to fight their own battles, notwithstanding the system of extermination adopted by Russia.

The war in Poland had lasted more than twelve months, and the official journal of Warsaw stated that the number of Poles actually killed on fields of battle was 40,000. That might be an exaggeration, but Lord Napier represented that in a single engagement alone 1,000 had been killed; and bearing in mind that during the whole Crimean campaign only 3,500 British troops were actually killed in fight, and that little more than 2,000 were left upon the field of Waterloo, the numbers alleged to have fallen in Poland indicated an amount of carnage truly horrible. The last number of the *Invalide Russe* which had come to hand stated that the Polish insurrection could not be suppressed, and that in all probability the struggle would increase in violence in the spring.

Long before the German and Danish question became critical, the money-market showed symptoms that there was disquietude in Europe. Commercial men were uneasy on the subject of Poland. No wonder the Chancellor of the Exchequer should have said that "Russian rule in Poland was a festering sore in the heart of Europe." And how had that "festering sore" been treated? In the year 1815 there was a piece of court-plaster put on it, and ever since various Governments had been employed in bandaging it up; but the sore inflamed and increased. Her Majesty's Government had concluded the recent correspondence with Russia by saying they had learned with the greatest pleasure the benevolent intentions of the Czar. But who was that man whose benevolent intentions they so much admired? He was the author of certain instructions to General Mouravieff, one of which was, "You are to employ, in the event of certain demonstrations, severe measures, even against the women." Such were the instructions given by a prince to a military commander in a district where martial law prevailed, and where everything was in the hands of the soldiery; and who, then, could be surprised at the atrocities committed under the rule of Mouravieff? It was related that Ivan the Terrible, though one of the most cruel of men, never went so far as to inflict torture on women; but his descendant, the present Czar, could not make that boast.

The greatest atrocities were being committed in a part of Europe to which England was bound by treaty engagements. Was Her Majesty's Government going to keep those engagements? Were they prepared to maintain public law? The conduct of Russia in Poland was not only a violation of the letter of treaties, but of public law. The noble Viscount, three or four years ago, said "humanity was outraged by the conduct of Russia towards the Poles." Well, were they prepared to do anything for them on the grounds of humanity? But there was another reason for doing something. Every commercial community in England had signed Petitions telling that House that the peace of Europe was in permanent danger from Russian rule in Poland. Who could believe that the Schleswig-Holstein question would be in its present position but for Poland? Poland had powerful friends, who would do all they could to call the attention of the Powers of Europe to the condition of that country, and if they saw questions like that between Germany and Denmark threatening the peace of Europe they would not regard them, because they said Europe deserved to have its peace broken.

The Schleswig-Holstein question would have been settled without war if an intimate alliance existed between France and England. Who was it that had endangered that alliance? The noble Lord at the head of the Foreign Office proposed to France to do something. In one of his despatches to Russia, the noble Earl said the public law had been broken, and when asked were his intentions pacific, he replied, "Yes, they are now; but I must not mislead you, the insurrection may continue, Russia may reject our proposals, and then new complications and embarrassments may arise, which all may deplore." What other interpretation could the Emperor of the French put upon that despatch but that something should be done for Poland? The Emperor proposed to England to take new steps on behalf of the Poles. He did not propose that England should send an army into Poland; he was ready to do that; but that the English and French fleets should be sent to the Baltic. The national army of Poland would have been sufficient for Polish independence if the fleets had been sent to the Baltic. That proposition, which would not have entailed much expenditure on England, was not accepted by the Government; they preferred to swallow all the insults flung at them by Prince Gortschakoff. But there was another chance for Poland. The Emperor made another proposition. He proposed that a Congress of the various European Powers should be called to consider the state of European treaties. That proposal, if adopted, would have prevented the war raging between Germany and Denmark, and might have brought the Polish question to a pacific termination. But the proposal was rejected by Her Majesty's Government in language amounting almost to rudeness. Was it any wonder that when the British Governnent came to him with proposals he should have adopted towards them a similar course?

The Emperor of the French had been solicited by the noble Earl to join England in a war in favour of Denmark, and the noble Earl had written a despatch showing what he thought of the Treaty of London. The Emperor of the French called it an "impotent convention condemned by events;" and it was worse. Nothing could be more interesting than to trace the position of Russia, if the Treaty of London were valid, which he believed it was not. Russia had a certain distant claim to the throne of Denmark, and by the Treaty of London nineteen legitimate heirs to the throne between Russia and the late King were cut off. One of the Danish Princes who stood in the order of succession had been sent to Greece, and now between Russia and the Throne of Denmark there only stood the present King of Denmark and two of his sons. When the Treaty of London was the subject of debate a short time since, Mr. Bunsen, son of the late Minister of Prussia at the Court of St. James's, stated in the Prussian Chamber of Deputies that his father had opposed the Treaty of London because it gave a predominance to Russian influence, and that Russian gold was lavishly employed when it was negotiated—probably to influence the minor States. The Treaty of London was, in short, a Russian treaty. Some of the minor princes were not consulted. The present Duke of Saxe-Coburg Gotha was not consulted. It deprived the people of Holstein of their legitimate Sovereign and their rights without consulting them. The Holstein Diet was against the treaty. The Danish Diet was dissolved three times before a packed assembly could be got to confirm the treaty. And that was the treaty paraded for the approbation of Parliament in the speech of the Lords' Commissioners! Several delicate questions arose as to the treaty, but he did not see why they should not be mentioned. It was perfectly well known that England had been prevented by the Queen from getting into this war. It was no use mincing matters, and he at least was not bound to silence—the credit was due to the Queen; and as some one had said, on an occasion when the country was saved from a great calamity by the other House, "Thank God we have a House of Lords!" so, in that case, they might thank God they had a Queen. After the treaty was negotiated in 1851 a document was read in that House by the present Foreign Secretary. It related to the conduct of foreign affairs by the then Foreign Minister, for when the noble Viscount negotiated the treaty some of the despatches were not subjected in due course to the Sovereign. Lord Russell thereupon read in his place in the House a memorandum from the Queen, in which she laid down the constitutional rule according to which the Foreign Minister ought to conduct the business of his Department. The practice of sending off despatches without the consent of the Sovereign, and of coming to decisions without the sanction of the Sovereign, was one it was stated that would entitle the Queen to exercise her constitutional right of dismissing a Minister. The confidential adviser of Her Majesty at that time was an illustrious Prince of great information, but who did not interfere in politics. It was now well known that he entertained a very strong opinion in regard to the Treaty of London, and thought that the rights and interests of the people of Holstein ought not to have been set aside and signed away by people who had no business with that part of the world.

The whole of Germany was now in arms. In the language of the Emperor of the French, the Treaty of London was condemned by events. Holstein was no longer part of Denmark. The Denmark of 1864 was dismembered. The Denmark of to-day was much smaller than the Denmark of 1863. England, with all her strength, could not fix upon the people of Holstein a Government that they repudiated. The people of the Duchy had received the Duke of Augustenburg with open arms. The elder brother of the King of Denmark, Prince Charles of Glucksburg, had refused to swear allegiance to his brother, and might now be fighting on the banks of the Eider side by side with the Crown Prince of Prussia. Above all questions this had been one with which we ought not to have interfered. The Minister of the King of Denmark had accused Earl Russell of being the cause of the dismemberment of Denmark; and he was quite right. Mr. Paget related that when he read the noble Earl's despatch to M. Hall, "he was visibly agitated, and declared it to be the most disastrous blow that could have been inflicted on the cause of Denmark." In October, 1852, Lord Russell bullied Denmark and browbeat the Danish Minister, and then, having raised a flame in Germany, he turned round and changed his language. It was generally understood that the Cabinet was divided on this question. There was a minority in favour of war, but though numerically small, it was a powerful minority, and with such influence as the noble Viscount could bring to bear it was possible that one day they might find themselves engaged in war. Under these circumstances, it was doubly important to point out the parallel between the two great foreign policies of the last year. The Government had refused to go to war in [favour of the people of Poland, but they were on the brink of war against the people of Holstein. In the case of Poland they had a treaty; they had everything in favour of going to war for an oppressed people; in Holstein it was just the reverse; they had every reason why they should not go to war to deprive a people and their sovereign of legitimate rights. The policy of the Government was most dangerous, and he called on the House to take every possible step to prevent the Ministers from pursuing a course which would be not only digraceful to them, but, in all probability most disastrous to the country.

THE CHANCELLOR OF THE EXCHEQUER: Sir, after the somewhat discursive speech of the hon. Member who has just sat down, I do not rise for the purpose of entering at large into the debate, but the hon. Member has adverted to a topic which was also noticed by the hon. Member for Horsham (Mr. Seymour Fitzgerald). He spoke of a "divided Cabinet." I think the best answer I can give to an observation of that kind is to say, that my desire was to have left the statement of the policy of the Government precisely as it stood in the speech of my noble Friend, without the addition or substraction of a single word. Reference was also made to my right hon. Friend the Member for Ashton (Mr. Milner Gibson), although certainly the materials were very slender for fastening on him the imputation of a difference of opinion. But I am authorized to state that my right hon. Friend is exactly of the same mind as myself. Our wish is to be represented to the country and the House of Commons by the able and luminous speech of my noble Friend at the head of the Government. There was another observation of the hon. Member which I think ought not to pass without notice. He said it was notorious—the whole country knew it; in fact, there was no motive for concealing it—that it was Her Majesty who had prevented the Cabinet from going to war upon this question. It appears to me far from desirable —indeed, hardly decorous—to introduce into the debates of the House the name of Her Majesty, a Sovereign of all who ever sat on the Throne who has thoroughly and entirely comprehended her duties as a constitutional monarch. But if that be far from desirable, and not altogether decorous as a general rule, it certainly is additionally unfortunate that a reference of this kind should be made when the statement of the hon. Member is founded entirely and absolutely in error. The hon. Member's statement was that the Cabinet had advised Her Majesty to take steps—

MR. HENNESSY: The right hon. Gentleman misunderstood me altogether. As it is a matter of some importance I may repeat what I did say, which was this:—I said, it has been whispered abroad, and is notorious, that peace has been secured by the Queen; and then I referred not to a statement, but to a document read in this House in 1851.

THE CHANCELLOR OF THE EXCHEQUER: I do not quite understand how a document read in this House in 1851 can avail the hon. Gentleman in support of a statement made by him in 1864—that the advice of a Cabinet, which would have carried the country into war, had been nullified by the action of the Queen. I do not think the explanation of the hon. Gentleman at all mends the matter, but then it shows, I am happy to say, some sense on his part of the inconvenience of the reference he has made. The hon. Gentleman devoted a great part of his speech to criticizing the Treaty of London, but he must not forget that it is a treaty which has been signed and ratified; by which we are bound, and to which, in the fair and honest construction of its terms, we must adhere. I am not aware that the hon. Gentleman is correct in his construction of that treaty; I am not aware that it contains any stipulations which override the wishes of the people of the Duchies; nor do I know that the statements made by the hon. Gentleman with regard to the nature of the sentiments of the people of the Duchies are true; but, be that as it may, he will allow me to remind him that it is of little use to refer to what he looks upon as the inexpediency of the engagement itself, when it is at any rate an engagement to which the good faith and honour of the country are pledged. But my principal object in rising was to reply to the remarks which have been made by the hon. Member for Horsham and the right hon. Gentleman who preceded him on the other side of the House with reference to another point. The hon. Member for Horsham found fault with my noble Friend for stating that the patent of March, 1853, referring to the government and constitution of Holstein, was at variance with the engagements which had been made by Denmark, and he seemed to think it was quite sufficient for him to enter into argument in the matter with my noble Friend, and to contend that in his opinion the patent was not at variance with those engagements. I would, however, remind the House that this is not a point to be settled by the private or even official opinion of my noble Friend on the one side or the hon. Gentleman on the other. The question is, who has jurisdiction in the case, and who are the parties competent to form a judgment upon it? It so happens that my noble Friend is of an entirely different opinion from the hon. Gentleman, and believes that the patent was at variance with the engagements of Denmark; but it is not because he personally is of that opinion that he refrains from taking public and formal exception to the Federal occupation: it is because it is a matter of German concern, entirely within the jurisdiction of the Germanic Diet. But the hon. Gentleman made it a subject of complaint that Her Majesty's Government have, as he seems to think, inflicted injury on Denmark by extracting or obtaining from her one concession after another. First of all it is said that Denmark has been led to make concessions in regard to Holstein, and then concessions about a constitution to Schleswig; and then it is conveyed to us that we have in that way induced her to make sacrifices which entitle her to expect at our hands compensation in return. Now, the sum and substance of the advice given to Denmark by Her Majesty's Government is this, that she should fulfil her engagements; and so far from contracting a debt to Denmark, or any other country by giving her such advice, I hold that in tendering it we are performing the part of a true friend, and conferring on her a real obligation. But the hon. Member for Horsham, and likewise the right hon. Gentleman who preceded him, have fallen, I think, into a very serious error in the reference which they made to the important declaration which was made by my noble Friend at the head of the Government in July last. The statement of the right hon. Member for Buckinghamshire (Mr. Disraeli) is that that delaration was a proper sequel to a paragraph in the Queen's Speech relating to the Danish question; that the state of affairs contemplated by my noble Friend in July last has now arrived, and that the course then indicated by my noble Friend is one which, in order to be consistent, he ought to follow up. The hon. Member for Horsham also contends that my noble Friend had in view this very line of action which Prussia and Austria as we think are very unfortunately now pursuing, when he intimated, at the close of last Session, that if attacked Denmark would not find herself alone. Now, these statements would be of a very important character if they were well founded. They proceed, however, on an entire misapprehension of what fell from my noble Friend, as any hon. Member may convince himself by a reference to the debate in question. I hold in my hand the record of that debate, and it is in the power of any one who hears me to ascertain whether what I am about to say is well founded. There are three forms of subject brought into the controversy in this matter, which are of quite a distinct character. One is the succession to the Danish dominions, which is dealt with by the Treaty of 1852; the second is the engagements entered into by Denmark with respect to the incorporation of Schleswig; the third comprises a class of topics connected exclusively with the internal government of the Duchies, as to which complaints have been made against Denmark, and I am afraid not without reason. I do not undertake to estimate the value of those complaints or enter into details, but there are complaints relating to the unequal and oppressive manner—not with regard to the general Government, but to the particular bearing on the national feeling—in which it is contended that Denmark has governed the Duchies. These three subjects are entirely distinct as to the foundation of right on which they rest. The treaty is the affair of the Powers who signed it; the second point is rather the affair of those who act as the mandatories of Germany; while the internal government of the Duchies, as regards the use of the Danish language and so forth, never ought to have been made in the same sense a matter of international engagement, while it must be admitted to be a matter of fair public interest. Now, the representation made with respect to my noble Friend is this, that he has stated that if Germany attempted to enforce the engagements entered into by Denmark by force of arms, then a case would arise when she might call upon England for help. My noble Friend, however, referred to no such circumstances as those which are now taking place. He did not maintain that Germany had no right to feel an interest in the way in which the Duchies were governed. On the contrary, in the speech referred to he uses these words—

> "But there is in Schleswig a very considerable German population, and therefore it is not unnatural—indeed, it is perfectly justifiable—that the Germanic Confederation should take an interest in the condition of the German population, and it is entitled to make representations to the King of Denmark, requesting that the German population should be put on a fair and equal footing with regard to the Danish population of Schleswig."

Still later in the speech he says, having in view nothing but this class of subjects—

> "As I have already said, we concur entirely with the hon. Gentleman, as I am satisfied will all reasonable men in Europe, including those in France and Russia, in desiring that the independence, the integrity, and the rights of Denmark may be maintained. We are convinced—I am convinced at least—that if any violent attempt were made to overthrow those rights and interfere with their independence, those who made the attempt would find in the result that it would not be Denmark alone with which they would have to contend."

Now, what is the meaning of these words? Plainly this, that if Germany should attempt to take on her own hands matters connected with the internal Government of the Duchies, she would be committing an outrage against all public right, in regard of which she might expect that consequences inconvenient to herself might follow. But that is not the case which has arisen. [Mr. Whiteside: "Hear, hear!"] The right hon. Gentleman cheers me ironically, but I am sure he does so rather in his character of a warm political partisan than of an acute and logical reasoner. It is, I am sure, he will admit, a totally different thing to exact by means somewhat unjustifiably harsh something to which you are entitled, and to use force to obtain that to which you have no title at all. The doctrine of my noble Friend was that Germany has no title to interfere by force for the purpose of gaining certain privileges for men of German race in the Duchies; but the question which has now arisen, as to what estimate is to be formed of the conduct of Germany in interfering by force for the purpose of compelling Denmark to keep her engagements, is one of a different character. My noble Friend has distinctly stated the view which we take of the conduct of Austria and Prussia in the matter. We all feel the responsibility, the heavy responsibility, assumed by two great Powers, who unnecessarily, even in pursuit of a right object, set aside reason and resort to force. It is impossible too deeply or too seriously to lament such a course, but then it is a course totally different from that of resorting to arms for the purpose of settling a matter in which you have no title to interfere, and entirely distinct from that contemplated by my noble Friend when he said, that in the event of any violent attempt being made to overthrow her rights, it would not be Denmark alone with which those who made the attempt would have to contend. These I offer simply as casual observations on points which have arisen in debate, which it was important to clear from misrepresentation. With regard to the general statement of the views of Her Majesty's Government—the question whether they have a policy or no policy, and whether that policy is likely to be approved by the voice of the British nation —I am content to rest the case in the hands of my noble Friend, who stated their views at an early period of the evening.

Lord JOHN MANNERS said, he had been anxious to say a few words on some of the statements which had fallen from the noble Viscount; but if he was anxious before, he was doubly anxious to do so after what had fallen from the right hon. Gentleman who had just sat down. The Chancellor of the Exchequer had told them that but for the remarks of the hon. Members for the King's County and Horsham, he should have been content that his own sentiments and those of his right hon. Friend the President of the Board of Trade should be expressed by the noble Viscount; it was therefore satisfactory to know that the Premier had spoken for at least two Members of the Cabinet as well as himself. The noble Viscount seemed quite indignant that any one should entertain a doubt as to the policy of the Government with respect to the Schleswig-Holstein question. Their policy, he said, was clearly explained in the Speech delivered by the Lords Commissioners; and if any Gentleman was too dull to arrive at it, he would enlighten that dense individual by telling him that the policy of the Government, which he said had been successful, was to maintain peace. Had peace been maintained? Had the policy of the Government been successful? Cannon had been fired—war had commenced, yet the noble Viscount came down to the House and said the policy of the Government was peace; he put it in the mouth of his Royal Mistress that she was anxious to continue her labours for the preservation of peace, and he told them the Government deserved the confidence of the country for the success of his policy of peace. He said the policy of the Government had been successful at least in this, that, whereas the conflict between Germany and Denmark had arisen about the succession, the efforts of Her Majesty's Ministers had been directed exclusively to procure the recognition of the rights of the King of Denmark, under the Treaty of London, from those Powers which had shown a disposition to retreat from or deny its stipulations. They were told that Bavaria, who never acceded to the treaty, was disposed to repudiate it; and that Wurtemburg and Saxony, who were consenting parties, had shown a disposition to retreat from it. The noble Lord took great credit for efforts made to procure the continued support of Saxony and Wurtemburg to the Treaty of 1852. He thought that certainly to be a lame and impotent conclusion from the labours which were vaunted in the opening paragraphs of the Royal Speech. The noble Lord went on to say, that even within the last few hours they had received the most important and gratifying intelligence that their labours had not been thrown away, and that both Prussia and Austria at the last moment had entered into a most solemn and binding guarantee that the Treaty of 1852, under all circumstances—even it might be of the conquest of Denmark — should be scrupulously observed by them. A great cheer arose from the benches behind the noble Lord when he made that announcement; but he should like to ask the noble Lord what was his real and honest opinion as to the worth of that declaration he vaunted so much a couple of hours ago? Was it true that the Colleague of the noble Lord who was intrusted with the management of foreign affairs, in the hearing of many whom he now addressed, had said not an hour ago, that he would place no reliance whatever in that declaration? Nay, more, that he did not even understand it, but he trusted time would elucidate a matter which was beyond his comprehension. Was that a declaration to satisfy the country for the abandonment of Denmark, and seeing it overrun with the troops of Austria and Prussia? At the conclusion of last Session the noble Viscount had made a most remarkable declaration, which he said had reference to the question of succession, and not to the intention of the great Powers to interfere with the internal concerns of Denmark; and the right hon. Gentleman, feeling so much the inconsistency, had endeavoured with great ingenuity to reconcile the conflicting statements, and show that the noble Lord, in those sentences which still rung in their ears, had no intention to threaten the Powers of Germany with the might of England in defence of Denmark, unless they interfered absolutely with the internal affairs of Denmark. He quoted and argued from an isolated passage, with all that rhetorical and extra forensic ingenuity of which he was so remarkable a master, that he only promised Denmark assistance in case of Germany invading her rights and independence. What, however, was the statement of the noble Lord that night? He said that Prussia and Austria had asked an impossibility of Denmark. In what did that impossibility consist? It consisted of a demand made at the sword's point by Austria and Prussia, that the King of Denmark, by one stroke of his pen, should suspend not merely the common constitution which had been given to Schleswig and Denmark, but should suspend, abrogate, and destroy the constitution of Denmark itself. That was the demand which they were now told by the right hon. Gentlemen in no way concerned the rights or independence of Denmark. He thought in the British House of Commons he might be excused if, with some warmth, he repudiated such a construction of the rights and independence of a country. The noble Lord told them in his speech, and he was surprised to hear it, that this invasion of Danish territory was, if not counselled, suggested by Her Majesty's Government. [VISCOUNT PALMERSTON: I did not say any thing of the kind.] He certainly understood the noble Lord, in order to keep Austria and Prussia straight with regard to their Treaty obligations contracted in 1852, had said to them, "If you have a quarrel with Denmark about the international stipulations which Denmark may have entered into with you in 1851—if you say that Denmark has disregarded and not fulfilled these obligations—then, indeed, if you have a mind, you have a perfect right to go to war with her." If that statement were made to Austria and Prussia, they were but acting on the suggestion—he did not say the advice of the noble Lord.

VISCOUNT PALMERSTON: — What I stated was this:—We said to Austria and Prussia, if you have a just demand on

Denmark, and Denmark refuses compliance with it you have a right to go to war; but Denmark says she will comply, and only asks for time to do so in the only way in which it can be done, and therefore you have no cause of war.

LORD JOHN MANNERS: The subsequent answer of Denmark no doubt put them entirely in the wrong, but Denmark in 1851 had made promises which had not been fulfilled, and the noble Lord's statement was that if Denmark had not fulfilled her stipulations with Austria and Prussia, they had a just cause of war against her. Although Denmark had given a promise that she would fulfil her pledge to the best of her ability, still the *casus belli* for the non-fulfilment of her previous pledges, according to the statement of the noble Lord himself, clearly came from the English Government. He understood the noble Lord to say that Germany having accepted the Treaty of 1852, there was now no real cause of complaint. If that were so, let him ask whether, in the matured judgment of Her Majesty's Government, the war was likely to come to an end? What was the meaning of the wonderfully satisfactory intelligence which was said to have been received? Was the House of Commons to understand, that in the opinion of Her Majesty's Government Austria and Prussia were about to retreat from that expedition which the noble Lord now reiterated was in his opinion utterly unjustifiable? The explanations both of the Chancellor of the Exchequer and the noble Lord had entirely failed to remove the doubt, hesitation, and mistrust which the country felt, and must feel, in the policy pursued by the Government; and if any other Member of the Cabinet then present could give a more rational, consistent, and satisfactory explanation of the course of events, and could hold out a clearer and more hopeful prospect as to the future, he believed that the House and the public would be deeply indebted to that most fortunate Minister.

MR. PEACOCKE said, he could not help expressing his opinion that some most important topics were "conspicuous by their absence" from the Royal Speech, in spite of the explanations of the noble Lord and the Chancellor of the Exchequer. They had received no information with respect to America, especially on points in which this country was particularly interested. They heard from time to time of seizures of British vessels made by United States' cruisers in almost a piratical manner; and he was therefore desirous of learning what course the Government were taking to vindicate the national honour. He was also anxious for information on the subject of the seizure of the "rams" at Liverpool, and he would state why. Within a few weeks of their seizure the Foreign Secretary told a deputation of the Emancipation Society that there were no sufficient grounds for seizing them—that that could not be done upon mere suspicion, but only upon clear evidence and positive facts. Perhaps the Government would tell the House what additional information reached them within the fortnight to warrant the order for the seizure of the rams. If private reports were to be trusted, the only additional information they received was a swaggering menace from Mr. Seward to Lord Lyons to the effect, that if those vessels left the Mersey it would be at the peril of England. This supposition had since been confirmed by the diplomatic papers laid on the table of the American Congress, from which it appeared that Mr. Seward had distinctly stated to Her Majesty's Government, that if the rams left the shores of England the United States would retaliate by war. Lord Russell, in his speech at Blairgowrie, said that Her Majesty's Government would not abate one jot or tittle of English right or English law in consequence of the menaces of foreign Powers. Some might think that the Minister who used such language was incapable of weak concession; but besides his many admirable qualities Lord Russell had also his failings, and one of those failings was that he used the biggest language when he did not intend to fight, and invariably employed strong words to cover weak actions. He pursued that course in the case of the Ecclesiastical Titles Bill, and likewise in his correspondence with Russia last year on the subject of Poland. The noble Lord at first gave Russia to understand that if she did not accept the six points very awful things would ensue; but when he found that she stood firm, and was prepared even to make war for her independence, he frankly acknowledged that if she was ready to fight he was not, and he wound up by writing a despatch saying that he was but too happy to be rid of the correspondence. That was not an original line of conduct; it had already been performed in the play of *The Rivals*, and in the character of Bob Acres. He trusted that, at all events, it would not be repeated in regard to Schleswig-Holstein. [An hon. MEMBER: It has been.] On that point he could not express an opinion, as he did not yet know what was the conduct or the policy of the Government. The popular theory as regards the Schleswig-Holstein question was that that question had been mastered only by one man, a certain German professor, who went mad in consequence; and the panic appeared to have reached even the Ministerial mind, for when the President of the Board of Trade spoke at Ashton the other day, he frankly told his constituents that he knew nothing about the matter except that we were parties to a treaty. But the Schleswig-Holstein question might be reduced to two simple and salient points—namely, the treaty settling the Danish succession, and the promises given by Denmark in 1851-2 with regard to the non-incorporation of Schleswig and an equality of rights as between its German and Danish subjects. That was not the fitting time for a full discussion of this question, but he was prepared to show that from 1852 down to 1864 Denmark had systematically endeavoured to shuffle out of the performance of those engagements. Some spoke of Denmark as a small Power which was being bullied by two great Powers; but there was such a thing as a small Power taking advantage of the very fact of her weakness; and he thought a large amount of sympathy was thrown away upon Denmark. If there was one party less entitled to the sympathy of the Conservatives than another it was the Eider-Dane party, which had unfortunately long exercised sway over the counsels of Denmark. It was an ultra-Democratic party, advocating that Schleswig-Holstein should be ruled by means of a tyrant majority at Copenhagen, without any respect for the prescriptive rights or the traditional privileges of the provinces; whereas the Conservative party in Denmark, as elsewhere, advocated an autonomy for those provinces and local self-government. Thus we find, whether on the banks of the Eider or the Potomac, the democratic party always the same, everywhere despotic, everywhere intolerant of opposition, everywhere seeking by means of the centralized action of tyrant majorities to crush opposing nationalities, and to trample under foot every shade and shadow of opinion which dares to differ from their own. Under these circumstances, he asked the House to pause before it gave an unqualified support to that party in whose hands the Government of Denmark had so long rested, and before it exchanged for the alliance of a kingdom, which during the great revolutionary struggle was about the most faithful supporter of France, the friendship and sympathy of that Germany, and, above all, of that Austria, which had ever shown herself England's most natural and most trustworthy ally.

MR. H. BAILLIE said, he regretted the omission of all allusion to the subject of the American war from the Speech, but was not much surprised at it. Ministers, it was true, had taken every opportunity of declaring a policy of strict neutrality, and that such a policy was entitled to the approval of the country. If, however, it could be shown that they had departed from that policy, and yielding to the threats and pressure of the Federal Government they had connived at a violation of international law for the purpose of assisting one side to the manifest injury of the other, the people of this country would have a right to complain. The principle of neutrality consisted in a strict adherence to those rules which had been laid down by writers on international law to be observed by neutrals with regard to belligerents, and he did not hesitate to assert that the Government had departed from that neutrality which they professed to maintain. All writers on international law were agreed that a blockade, in order to be accepted as binding on neutral States, must be effective. That principle was considered so important that it formed the subject of a solemn declaration, which was inserted in the fourth article of the protocol annexed to the Treaty of Paris, which explained an effective blockade to be a blockade maintained by a force sufficient really to prevent access to the coast of the enemy. Such was the law which England had bound herself to uphold. How had Ministers performed that duty? They had admitted as binding a so-called blockade of the whole Confederate coast—a blockade which never was effective, which never could by any possibility be made effective, which, in fact, was neither more nor less than a "paper" blockade. It might be possible to make effective a blockade of a single port or harbour, though even that was a difficult matter against steamships; but it was impossible to blockade effectually 3,500 miles of coast. The Federal Government, however, had never been able to make effective the blockade of any one of the Southern ports. In proof of that he might refer to a *quasi*-official document supplied by the Confederate agent in this country, from which it appeared that during the first ten months of last year, from the 1st of January to the 23rd of October, no fewer than ninety steamers entered the port of Wilmington from foreign ports, while forty-three entered the harbour of Charleston. Colonel Freemantle, of the Guards, in his recently-published *Diary*, stated that when he arrived at Wilmington on the 16th of June, 1863, the river was quite full of blockade runners; that he counted eight handsome steamers which plied their trade with the greatest regularity; that many ships were employed in carrying goods on Government account; and that, in short, it was quite absurd to call the blockade an effective one. So that while Her Majesty's Ministers were protesting against German Powers for violating the Treaty of London, they were themselves conniving at a violation of the Treaty of Paris. What had been the consequence of that connivance? The Federal Government having found it to be impossible to make the blockade effective, had had recourse to a series of outrages upon British trade and commerce, with what object it was difficult to know, unless it was for the purpose of intimidation. They had given instructions to their naval officers to capture all merchant ships coming within 300 or 400 miles of the Confederate coast; they had extended their operations to almost every part of the Gulf of Mexico; they had captured our ships going direct from English ports to the Mexican coast, and those vessels had been condemned in the American Prize Courts, apparently with the consent of our Government. Nor was this all. Finding they could do so with impunity, the Federal Government had actually had the audacity to go into the port of Matamoras and capture all the English merchant ships there taking in cargoes of cotton. That appeared to him to be a much greater outrage than the *Trent* affair. It was not a case which could be referred to the American Prize Courts; it was a question of direct piracy authorized by the Federal Court, and for which Her Majesty's Ministers should demand immediate reparation. The Federal Court had also given instructions to their naval officers to capture ships sailing direct from ports in this country to Her Majesty's Colony of the Bahamas, and the vessels so captured had been condemned in the American Prize Courts on the ground that upon their arrival at Nassau they might have transferred their cargoes to blockade runners. So flagrant a violation of international law had excited the indignation of the French press. The *Mémorial Diplomatique* had pointed out the injustice of arbitrarily assimilating articles of commerce to contraband of war, of seizing a whole cargo on account of a few insignificant articles alleged to be contraband, and of capturing a neutral vessel going from one neutral port to another, under the pretext of an improper ultimate destination. This, however, seemed to be a matter of no interest to Her Majesty's Government. After their great exertions in the *Trent* case, they perhaps thought that they had done all that the national honour required of them, and that they could now afford to rest and be thankful. It was, however, unhappily too true that the flag of England no longer gave protection to the trade and commerce of the country, and that our merchant ships were illegally seized on the high seas. The Federal cruisers respected the tricolour of France, because they feared the power of the French Government; but they made it their special mission to outrage and insult the colours of England because they despised our Government. Who ever heard of French ships trading with Mexico being captured by the Federals? Would French merchants submit to ask permission from the Northern Government to trade with Mexico? No, that was a degradation reserved for our countrymen alone. To the sufferers some consolation was, indeed, offered by *The Times*, which, he supposed, was the official organ of the Government. That journal argued that it was a great advantage for the people of this country that the rigid laws of blockade should not be relaxed, because if we happened to be engaged in war we might make these American precedents serve our own interests, and enable us to establish a paper blockade. He did not know whether or not that was the opinion of the Government, but it was certainly a delusion. England might tolerate violations of international law, but would other nations do so? Suppose we were engaged in a war with the Federal Government, and had established a paper blockade on their coasts, would France allow her ships to be captured under such circumstances? There could be little doubt that if we ventured to do anything of the kind we should soon find ourselves engaged in hostilities with France. There could not, in his opinion, be a greater blunder than for a Government to countenance any violation of those laws which had been instituted for the purpose of regulating the conduct and protecting the rights of civilized nations. It might, perhaps, be said that concessions had been made by the Government for the purpose of avoiding war, and he had no doubt that war had been threatened. Peace was an inestimable blessing, but it might be purchased too dearly. The sacrifice of national honour was a high price to pay, more especially as it could, after all, secure peace for only a short time. Every concession would only augment the insolence of the aggressors, and tempt them to fresh outrages. Notwithstanding all we had yielded, we had not in the least conciliated the Federals, or lessened their animosity against us; but we had given great and just cause of complaint to the Confederates. He sought no favour for the latter; but he claimed from the Government the exercise of that honest and impartial neutrality which on all occasions they so ostentatiously professed, but which hitherto they had failed to practise. There was another topic omitted from the Royal Speech—Poland. He held that it was unwise for England to interfere in any way in the affairs of Poland, because it was always impolitic to enter on an enterprise which one was unwilling or unable to carry to the end. If, however, it was necessary to remonstrate with Russia on this question, it should have been done through the Minister at St. Petersburg in such a manner as not to wound the susceptibilities of a proud and patriotic people. The course adopted by our Government only roused the Russians to resistance, united them to a man against all foreign intervention, and rendered it impossible for the Russian Government to make concessions, even if the naturally kind feelings of the Emperor had tended that way. The noble Earl seemed to have been conscious that he had committed a mistake in the style of his despatch to Russia, for he followed it up by the explanation that, whatever the reply might be, England would not go to war. Except for the mercy they might expect from the monarch of Russia, that declaration sealed the doom of Poland. He did not hesitate to say, on behalf of the friends of Poland, that they felt no gratitude to the Minister for a mode of interference which had only served to intensify the miseries and sufferings they now endured.

SIR JOHN PAKINGTON: Sir, I have one, or rather two questions to put to the hon. Gentleman the Under Secretary for Foreign Affairs. I have no intention of entering at any length into the present state of the Danish question. The powerful speeches of my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), and my hon. Friend the Member for Horsham (Mr. Seymour Fitzgerald) remain at present unanswered; and I am quite content to leave the extraordinary language of the most unsatisfactory Speech delivered by the Lords Commissioners to their able criticism. I wish only to ask the hon. Gentleman the Under Secretary, whether he will be good enough to state to the House the full and entire substance of the despatch referred to to-night by the noble Lord opposite as having been received within the last few hours? I am quite sure that the noble Lord cannot for a moment have intended to mislead the House in regard to the contents of that despatch; but if I am correctly informed as to what has passed in another place, the House has practically been misled on that point by the statement of the noble Lord. The noble Lord opposite, in reply to the charge that the Government had no policy, declared with an air of triumph that the Government had a policy, and that that policy was successful; and in proof said that within the last few hours a despatch had arrived stating that Austria and Prussia were willing to enter into a formal declaration, to the effect that they adhered to the Treaty of 1852, and that as soon as the object of the invasion of Denmark was attained they were ready to maintain the integrity of the Kingdom of Denmark. The noble Lord stopped there, and the only construction that could be put on the statement of the noble Lord was, that that is the whole of the despatch. But I understand that this evening the despatch has been read *in extenso* in another place, and that it went on to make the proviso that they were not to be met with protracted resistance in Schleswig. Other provisos are introduced, and the effect of them is, in fact, to destroy the value of the whole of the promises and engagements, and to leave the whole matter in exactly the same unsatisfactory position as it stood in before. I therefore ask the hon. Gentleman, who represents the Foreign Office in that House, whether the despatch ends where the noble

Lord opposite led the House to believe that it terminated, or whether the portion read by the noble Lord is not followed by a proviso such as I have mentioned? There is another question I wish to put. The noble Lord in his speech told us that nothing was stated in the Queen's Speech about producing the papers concerning Denmark, because it was not thought necessary to lengthen the Queen's Speech by any reference to them. I was amused when I heard that statement, as it has not been thought unnecessary to lengthen the Queen's Speech by a reference to the despatches concerning Japan. However, the noble Lord stated that he has no objection to produce the papers respecting Denmark, and I shall be glad to know how soon they will be produced.

Mr. LAYARD said, that there was no objection to give the contents of the despatch to which the right hon. Gentleman referred, and with the permission of the House he would read it at length. The despatch was as as follows:—

> "Berlin, Jan. 31.
>
> "Monsieur le Comte,—The Government of the King, by basing on the stipulations of 1851-2 the rights which, in concert with Austria, it is proceeding to enforce upon Denmark, has by this very act recognized the principle of the integrity of the Danish monarchy as established by the transactions of 1851-2 The Government of the King, in proceeding to the occupation of Schleswig, does not intend to depart from this principle. If, however, in consequence of complications which may be brought about by the persistence of the Danish Government in its refusal to accomplish its promises of 1852, or of the armed intervention of other Powers in the Dano-German conflict, the King's Government were to find itself compelled to renounce combinations which would no longer offer a result proportionate to the sacrifices which events might impose upon the German Powers, no definite arrangements could be made without the concurrence of the Powers who signed the Treaty of London. The British Government would then find the King's Government ready to come to an agreement with them as to the definitive arrangement of the Dano-German question. Your Excellency is requested to read and give a copy of this despatch to Earl Russell. Receive, &c., "Bismark."

He might add that the Danish papers were very voluminous, but they were in preparation. As soon as they were ready they would be laid on the table.

Mr. WHITESIDE said, he wished in addition to the questions which had been put to the hon. Gentleman to ask another, and that was whether he understood the meaning of the paper he had just read. He had heard a distinguished person in another place declare that he did not understand it, and he thought the hon. Gentleman would add to the kindness he had already shown to the House if he would throw on the document that light which it seemed very much to require. He could not understand how that paper assisted the noble Viscount at the head of the Government. On a former occasion, the noble Viscount made a clear speech on Denmark, which the Chancellor of the Exchequer explained away. The noble Viscount said that if the integrity of the Danish monarchy should be in danger, Denmark would be defended. The territory of Denmark was now being invaded, and that certainly looked like an interference with the Danish kingdom, in a mode at once disagreeable and emphatic. He should have supposed, but for the declaration of the Chancellor of the Exchequer, that the noble Viscount's statement had some meaning, but he was now compelled to hold that it had none. He wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer, and to ask why there could not be that unanimity in the Cabinet of which the right hon. Gentleman boasted on such a subject as America. Some time ago the right hon. Gentleman used these words—

> "The people of the North have not yet drunk of the cup—they are still trying to hold it far from their lips—the cup which, all the rest of the world see, they nevertheless must drink of. We may have our own opinions about slavery—we may be for or against the South—but there is no doubt that Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a navy; and they have made what is more than either—they have made a nation. . . We may anticipate with certainty the success of the Southern States, so far as regards their separation from the North. I cannot but believe that that event is as certain as any event yet future and contingent can be. . . . It may be that a time might arrive when it would be the duty of Europe to offer the word of expostulation or friendly aid towards composing the quarrel."

The criticism of the leading journal on that statement was, "that Mr. Gladstone has only made a statement considerably within the truth." When the American Minister in London read that speech he was greatly alarmed, considering it to be the exposition of the Government policy with respect to America. The American Minister meant, it appears, to send for his passport, pack up, and cross the Atlantic; but previously he made an excursion to the North of England, and fell in with the discreet Member for Bradford (Mr. Forster), than whom no man was more capable of giving a distressed Ambassador advice. The hon. Member for Bradford recommended the American Minister to be a little more calm, because he might depend upon it, that as the erratic genius of the Cabinet had made a speech in the North, some more discreet Member of the Government would be set up to make an opposite speech in the South, and in a few weeks something would be done in that way to establish unanimity in Her Majesty's Cabinet. This was the case, and it appeared that the late Sir George Cornewall Lewis did present himself and make a speech on the opposite side. Thus the hon. Member for Bradford was enabled to point out to the American Minister how truly he understood the mystery of our constitutional system, which seemed to be founded on the principle of counteraction. One member of the Cabinet had an opinion, another contradicted him; the subject was a large and great one, but as they could not agree, they said "let us agree to differ," and so the matter was dropped and nothing more was said about it. He believed that Germany had no more authority over Schleswig than they had over Westminster Hall. That being so, he could not understand how the German Confederation could make any difficulty about Schleswig, as he understood Holstein was given up and the Danes were ready to give a guarantee for accomplishing everything which they were asked, and more than they were asked. When Canning, who had the genius of an orator and the spirit of an Englishman, was asked to remonstrate publicly with a foreign Power, he said, "Let us first consider what we shall do if our remonstrances are defied. England is too great a country to submit to insult, and therefore we will not remonstrate if we are not prepared to act should we be defied." The same rule should have been applied in the case of the Poles. He had not opened his lips on the subject, because he did not see the way to any practical conclusion; but he believed that nothing could have been more impolitic, even for the Poles themselves, than to send despatches, as had been sent to Russia, couched in very offensive terms. There were other questions upon which he would not then address the House, as other opportunities would occur on which Her Majesty's Government might give as clear and as satisfactory an account as the Under Secretary of State for Foreign Affairs had just given of this important despatch.

MR. KINGLAKE said, the right hon. and learned Gentleman could not understand how the German Confederation could have any right to interfere in Schleswig, as it was no part of the Confederation. The answer was an extremely simple one. The German Confederation having gained the occupation of Holstein had a basis on which to negotiate, and did negotiate, with the Danish Government, and did obtain, internationally be it observed, certain engagements which the Danes had failed to observe. That he was right in the statement that there were engagements which the Danes had failed to observe was perfectly certain; for they all knew that there was no Power more closely allied with Denmark or more ready to support her, if need be, in arms than Sweden, and the Government of Sweden had freely acknowledged that Denmark did enter into engagements with the German Confederation and had failed to fulfil them. It now began to appear that these struggles were but a continuance of the efforts which Denmark commenced in 1848 to wrench the Duchy of Schleswig from its state of union with the sister Duchy of Holstein. Whether such an attempt were right or wrong, it was surely to be expected that the threatened disruption would create resistance on the part of Schleswig, and it became more certain when they reflected that Schleswig had behind her the sister Duchy of Holstein, and behind that again the great population of Germany, or 40,000,000 of people, who could not but exercise attraction much in the same way as a great body in the physical world exercised its attraction in proportion to its bulk. After the war came negotiation, and they all knew the result. But it was important to keep that result in mind, not for the sake of Denmark or Germany, but for the credit of England. Terms were obtained by England which were assented to by Austria, Prussia, and the German Confederation, and were approved by Russia; and he thought that if hon. Gentlemen would lay aside for a moment the considerations of party, they would be inclined to acknowledge that Lord Russell was one to whose opinion upon a constitutional question and what would be a fair practical working Government for a free people they would be disposed to defer. It was very important to observe that the present war took place because one party accepted the terms of 1852, and the other party, whether rightly or wrongly, rejected them.

He did not mean to say that it was not justifiable for Denmark to say that she was the best judge of what was fit for her; but when England was asked for advice that advice was given, and a strong Power which was then threatening Denmark was brought to consent to terms which England thought to be sufficient. What he desired to know was what was the Power which was now invading Schleswig. It was no answer to say they were Austrian and Prussian troops. He wanted to know what Power was really propelling this force. The experience of the last few weeks had thrown some little light upon the matter. The refusal of the supplies in Berlin and the refusal of a portion of the supplies in Vienna, seemed irresistibly to force the conclusion that upon this question and for this purpose there was no longer any Austria or Prussia, and that what they had to do with was the German Confederation; if so, they could understand the pride which must be felt by 40,000,000 of people in the exercise of a power of which they had only recently become conscious. When they saw how Germany was surrounded, he thought they would perceive additional reasons for making it very easily intelligible that Germany was disposed to push her claims with almost undue energy. When these troubles began in 1850 Germany was oppressed by the power of the Czar Nicholas. He trampled with undisguised contempt on the kingdom of Prussia, he patronized Austria, and he weighed with so great a weight on the rest of Germany, that it was no exaggeration to say that at that time his will was law in Germany. On the other hand, the French Republic was powerful for purposes of coercion, but was not threatening Europe with dangers. Now the position of things was greatly changed. It was evident that Russia, being engaged in a struggle in Poland—he would not say in exterminating the Poles—was indisposed to take part in any question which Germany might raise, and was acquiescent in the course which Germany might take. On the other hand, he thought he might infer from some of the papers which had been published, that by France Germany had not been seriously discouraged. He professed to have no extraordinary knowledge, but judging from the letter addressed to the Duke of Augustenburg, he was inclined to infer that the Duke of Augustenburg had some reason to suppose that on the western frontier of Germany he would not be without support. Recollecting how things of that kind were done, one would be disposed to come to the conclusion that such a letter as the Duke of Augustenburg thought fit to address to the Emperor of the French would not have been written unless he had beforehand had very good reasons for knowing how it would be received. It was probable that as a matter of courtesy a draught of that letter had been submitted to the Emperor before it was sent. It was very natural that in such a state of things Germany should be elated, but he would entreat Germany to beware of that sudden prosperity. He would entreat the Germans to recollect that this unity, which gave them a sense of dignity and power for the moment, was a unity which would almost certainly cease the moment the Schleswig-Holstein question was settled, and the very moment it was superseded by any greater subject. The very moment that that occurred they would see Germany again become the rope of sand to which she had so long been reduced by the too great abundance of Princes. It would be well for Germany to recollect that Russia and France, although they might have had their good understanding for the moment interrupted upon the question of Poland, were acknowledged to have been for some years upon terms of secret amity of such a kind as to give support to one another in transactions which they had regarded as disturbing the peace of Europe. If Germany were to go too far in the direction in which she seemed to be advancing, she might bring upon herself perils which were almost too dreadful to think of. She might find that she was gaining Schleswig and losing the Rhine. She might find that she was shaking off Prussia and Austria—and he could quite understand her hating their very names. She might find that she was exchanging that thraldom for another, and was preparing herself to receive such a rope as that which was known in the early part of this century by the name of the Confederation of the Rhine. Already he heard materials for a combination of that kind were not wanting. Princes they knew were always to be tempted. They knew from experience that there was nothing so easy as to establish relations between a despotic Sovereign and a democracy. That relations of that kind were going on between France and Germany was, he only feared, too certain. Under these circumstances, he hoped that a few words of counsel would not be in vain, and that the propellers of this movement in Germany would be advised by their friends. So much of the trouble which the Schleswig-Holstein question had occasioned had resulted from what he would call political foresight, that he would entreat Her Majesty's Government to be very careful how they drew us into anything like war or dangerous engagements, from a mere fear that the balance of power in Europe might be disturbed. Men were so much governed by imagination that they were prone to rush into immediate dangers and instant wars from fear of some spectre of distant danger, or distant war, which they thought it expedient to avoid. Late experience, however, had, he thought, taught us that it would often have been wiser to have had less foresight, and to have waited until the danger had actually occurred. He was sure that in this instance it would be better to wait until we saw some actual crisis of danger occurring from the displacement of the balance of power by the change of a duchy the more or a duchy the less belonging to Denmark, rather than to foresee it as the negotiators did in 1852, and thereby create a serious danger in order to avert one which, if no attempts to avert it had been made, might perhaps never have pressed upon Europe. Independently of that, we could not be blind to the fact that there had been a solemn treaty, that there had been a protocol, that there had been a vast abundance of correspondence, and that at least one special envoy had been sent. It might result, that either by the rash leap of a treaty, or by the slow but more insidious process of continually giving advice, we might have fallen or slid into some engagement which might seriously imperil England's freedom of action at this moment. That would be a most distressing discovery to make. Still, if we were to find that the honour of England had, by any of these transactions, been seriously engaged, it would never do for her to recede from the consequences of her acts, or even from the consequences of her words. But he repeated, that would be a most distressing discovery to make. Let the Government think of Poland. They abstained from war in defence of Poland, and the country ratified their choice. The country ratified their choice, not because the people were insensible to the justice of the cause—not because they were untouched by the sufferings of the Poles, but because they believed that there was no cogent interest which compelled us to go to war in such a cause, and because war was so tremendous an evil, that even the sympathy we felt for the Poles was not motive strong enough to justify us in engaging in it. What would they say if, after having abstained from war for Poland, they were now to be told that they were to go into a war—a war of succession, a war about Prince This or Duke That, a war about agnates and cognates; and, above all, what would they say if they were to be told that they were to go into a war for the purpose of imposing a ruler upon a reluctant population? He thought he might say of the noble Lord at the head of the Government, who assented to the Protocol of Warsaw, and he was sure he might with equal confidence say of the Earl of Malmesbury, who signed the Treaty of 1852, that they, no more than any other public man on either side of the House, would deliberately have signed a treaty with a view to force upon the people of any foreign country a ruler whom they declined to accept. He did not believe that that could have been the intention of any one who signed the treaty in question, and he observed with great pleasure that the terms of the treaty were exactly consistent with that view of the matter. Pledged as this country was to the principle of non-intervention, it would have been mortifying in the extreme to find that the Foreign Secretary of this country, and his predecessor in office, had assented to a treaty which was diametrically opposed to that principle. But when he looked at the treaty, he found that, as he read it, it sanctioned no violence of that kind. What the treaty did was this. It began by saying that there was a wish—that was the word—"a wish," on the part of the King of Denmark, to change the law of succession in a way which was specified, and to make the arrangements necessary for the purpose; and then the treaty went on to engage, and that in language carefully kept in a contingent form, that the eventuality occurring, the Powers signing the treaty would give sanction and recognition to support the arrangements made by the King. The obvious meaning of the treaty so worded was to do those acts—"arrangements" was the word in the treaty—was to make those arrangements which were necessary for establishing the title at home; he was to do what had to be done at home for altering the succession, and then the change would be duly recognized by the other Powers. That was exactly the view which apparently the King of Denmark took of it. The King of Denmark never affected to have altered the succession from the moment that the treaty was signed. He proceeded to make those home arrangements to which he had referred. Accordingly he applied to the Parliament of Denmark Proper; it at once gave him what we should call an Act of Parliament, and as far as Denmark Proper was concerned the law of succession was changed. But there he stopped short. No attempt was made to establish the new order in either Holstein or Schleswig by an appeal to the Estates. No step whatever was taken. And again, not only was there no step taken to obtain the assent of those States, but the assent of the German Confederation was never obtained. The transaction was very much the same as if we had undertaken to give a reigning Prince to the State of New York without consulting either the Legislature of New York or the Federal Government. Putting out of the question what might result from the fortune of war, and looking at the title of the King of Denmark in the light of a peaceful transaction, he could come to no other conclusion than that the King of Denmark was an impossible candidate for the dukedom of Holstein, and an all but impossible candidate for the ducal crown of Schleswig. If that were the state of things, it was obvious that the *casus fœderis*, the eventuality in which the Powers were called on to act, had not occurred, and until the States and those two Duchies expressed their will, it would be altogether unfitting that any violent effect should be given to the treaty. Independently of that it must always be remembered that the Treaty of 1852 was not a guaranteed treaty, and though diplomatists were well acquainted with the means of imparting such a character to the instrument, they refrained from doing so; and he must say that had any guarantee treaty been proposed, no one in England would have assented to such an arrangement. It would have been preposterous for England to engage herself to enforce such an agreement by arms. The Emperor of Russia was, he believed, the only person willing at the time to adopt such a course. Of the five great Powers who were parties to the treaty if four stood aloof there was surely no obligation on the fifth to advance alone; and in this case Austria and Prussia were acting adversely, Russia was standing aloof, and the French Emperor was understood to meditate a similar line of policy. Under such circumstances, it would be impossible and unlawful for England to attempt to enforce the treaty. He trusted Her Majesty's Government, in the face of these considerations, would pause before going further in the direction of engaging this country to maintain the course of descent attempted to be established in 1852. If they did cherish any such intentions, our preparations ought to be vast, and, indeed, colossal, for we should have to do with 40,000,000 Germans, our natural allies, while it would be madness to forget that the Emperor of Russia was hanging back, and that the Emperor of the French was biding his time. He hoped and trusted that we would remain at peace, and in that event he ventured further to express a hope, that the diplomatic language of the country would be kept in accurate conformity with the peacefulness of our aims and the moderation of our intentions.

Sir MINTO FARQUHAR said, he had remarked in the course of that debate, as well as during the late Session of Parliament, that the foreign policy of the Government found but feeble support at its own side of the House. Although the subject had been brilliantly debated by the two front benches, not a Member had risen from the seats behind the Government to express his concurrence in the views put forward by the Government. He confessed that he had listened with surprise to the paragraphs in the Royal Speech referring to the question of Schleswig-Holstein, which was absorbing the attention of the country; and the conclusion was forced upon him, that they had been drawn up by a body of gentlemen between whom such grave difference of opinion existed, that they had confined themselves to a simple narrative of facts. The true question now to be solved was this—a treaty being in existence, did the parties who signed it intend to adhere to it or not? Were the Austrian and Prussian troops to continue their attacks, and shed more blood, now that everything had been conceded by the King of Denmark? He had been surprised to find that the noble Lord, from his speech, appeared to think that England was on good terms with all the world. Was our position in China or Japan agreeable? or did he imagine that our relations with Russia were all that could be desired after the remonstrances we had made about Poland? Did we stand well either with the Federals or the Confederates? and were we in a comfortable position as regarded Brazil? And to come nearer home, at the very moment when we were lecturing the minor States of Germany for non-observance of a treaty, did the noble Lord know that France was stigmatizing that very treaty as an impotent work, and using a considerable amount of what he might call "soft sawder" to those States? Without some such countenance it was impossible that one of those minor States would have ventured to make use of language so offensive to a British Minister, as that used by the Minister of Saxony. A policy of perfect isolation would be intelligible; but if we felt it necessary to give advice, either we ought to offer it in moderate and courteous terms, or else be prepared to sustain in action the policy we had put forward. He had resided formerly in Germany for some time, and he believed the country was now in a most dangerous state. If Austria went on the ground of nationalities, she should look at home. He hoped Austria and Prussia would listen in time to reason and avoid the dangers they were otherwise likely to encounter.

Mr. NEWDEGATE said, that although he generally listened with great pleasure to the hon. Member for Bridgewater, he could not say that the general tendency of that which he had just said had produced any feeling of pleasure in him (Mr. Newdegate). The hon. Gentleman had endeavoured to draw a comparison between the question that had arisen in Poland and that which had arisen in Denmark. But it appeared to him (Mr. Newdegate), and he believed that the thinking classes of this country saw, that there were some very considerable differences between these two subjects. In the first place, it was almost impossible for us to assist the Poles effectually because we could not reach them. But with respect to Denmark the case was entirely different. We could reach Denmark, and we could reach the Powers that were assailing Denmark. The history of this country—and no very ancient portion of that history—showed plainly that if any great Power hostile to England, obtained possession of the maritime resources of Denmark, such a state of things would be productive of great danger to our commerce, and even to our national security. It was the conviction of that danger which had led to operations in which we had engaged in Denmark in the years 1801 and 1807. In 1801 England had found it necessary for her own safety to bombard Copenhagen in order to cripple the Danish fleet, and Lord Nelson declared that the battle was the most bloody encounter in which he had ever been engaged; and in 1807 we had found it necessary to seize on the navy of Denmark as a measure of self-defence. He did not wish to urge Her Majesty's Government to take one step beyond that which the justice of the case demanded. But he was glad to hear the noble Lord at the head of the Government declare, that the present aggression on Denmark was wholly unjustifiable, because if there were engagements in the German Diet which had remained hitherto unfulfilled Denmark was at present willing to fulfil them, and was only prevented from so doing by the presence of hostile arms on her territory. The people of this country were a practical people; they wished to fulfil their engagements to Denmark as to every other Power; but let not the House suppose that they felt no more direct interest in the independent existence of Denmark than in the fate of Poland. It would be a great mistake to imagine that in the estimation of the people of England there was any comparison between the attainment of the objects of the Poles and the maintenance of the independence of Denmark. He should not, however, have taken any part in the debate if he had not thought that a tendency had been evinced towards its close to underrate the interest which the country generally felt in the solution of the Danish question, and their readiness to endure any sacrifices that might be necessary in order to maintain the independence of a Power with which this nation is allied, and which is important to them in every sense, as being the Power which practically held the keys of the Baltic. The truth was that several feelings, but among these a feeling of national ambition, seemed to have been stimulated among the minor States of Germany, The people and Governments of those States appeared to be animated by a desire to obtain an addition of territory; the Germans moreover were not contented at home, and this was inducing their rulers to undertake a war of aggression against Denmark, which the noble Lord had most properly characterized as wholly unjustifiable.

Motion *agreed to.*

Committee *appointed*,

To draw up an Address to be presented to Her Majesty upon the said Resolution: — Lord Richard Grosvenor, Mr. Goschen, Viscount Palmerston, Mr. Chancellor of the Exchequer, Sir George Grey, Sir Charles Wood, Mr. Milner Gibson, Mr. Cardwell, Mr. Villiers, Mr. Attorney General, Sir Robert Peel, The Lord Advocate, Mr. Attorney General for Ireland, Mr. Peel, and Mr. Massey, or any Five of them; —To withdraw immediately.

Lords Commissioners' Speech *referred.*

House adjourned at
Twelve o'clock.

HOUSE OF LORDS,

Friday, February 5, 1864.

TOOK THE OATH.

The Lord Inchiquin—Took the Oath.

METROPOLITAN RAILWAYS.

QUESTION.

The Earl of POWIS said, he wished to inquire of the noble Earl the President of the Council, Whether he proposed, on an early day, to state the course which the Government intended to take with respect to the projects of Railways within the metropolitan district? He understood that some joint action was proposed to be taken by the two Houses of Parliament, and if that was the case, it was extremely desirable to know what was the outline of the plan intended by the Government in the conduct of the inquiry. If their Lordships had seen the various projects on foot this year for the construction of railways above and below ground in the metropolis, they would see that the matter was one requiring a strong and determined action on the part of the Government, for it was impossible to allow the various companies to scramble through various Committees for powers to carry out their plans. It would be observed that amongst the schemes there was very little of a substantive character, the plans being almost without exception speculative, proposed for the purpose of putting up to auction the railway interests of the metropolis. If joint action between the two Houses, which was likely to contribute to the adoption of some system of control over these projects, was intended, it was extremely important, that their Lordships should know in what shape it was proposed that action should be taken.

Earl GRANVILLE said, every one must admit the importance of the question to which the noble Earl had called attention. It was one which had been frequently considered by the Government during the recess, and they had come to a conclusion very much in accordance with the Report of the Committee of their Lordships' House which sat last year. With regard to one of the recommendations of that Committee, that the Board of Trade should make their Report upon the whole of the schemes within the metropolitan district, and also point out how far those schemes differed or agreed with the views of the Committee, that had been acted on, and he had had the pleasure on the previous night of laying upon the table of the House the Report of the Board of Trade on the subject. With regard to the appointment of a preliminary Committee to consider the whole of the schemes, notice had been given of a Motion for such a Committee in the other House. If that Motion should be adopted, he proposed to make a similar Motion in that House, the object being that the two Committees should act together, and report for the guidance of Parliament and the Government on the subject.

ECCLESIASTICAL COMMISSIONERS.

PAPERS MOVED FOR.

The Archbishop of YORK said, he rose to move for copies of two Reports of Committees of the Ecclesiastical Commissioners. In bringing forward that Motion he had no intention of addressing their Lordships in defence of the Ecclesiastical Commissioners, or of deprecating any criticism which that House might choose to pass, or which might be passed elsewhere on their proceedings. His object was simply to remove from the minds of their Lordships an impression, which appeared to prevail elsewhere, that the Ecclesiastical Commissioners were a body who were receiving much and doing little, and that in fact they were ineffective and supine as to the attainment of the objects for which they had been appointed. If the papers for which he was about to ask were granted, he was sure they would receive the attention which, to his mind, they deserved from every thinking man in the community. It was common to speak of the Ecclesiastical Commission as if its sole business was to provide for the spiritual destitution of large towns. But he did not so understand its functions. Before the year 1835 the clergy were mainly divided into pluralists and curates, one clergyman perhaps having five livings, while another had to perform three, four, or even five services in the day. In the diocese of Norwich there were three brothers, who were responsible for the services in fifteen churches. On the other hand, he had heard of a case in which the incumbent had never been seen in the parish—he would not say within the memory of man, but within the records of the parish register. Pluralities were abolished, and the consequence was that a large number of benefices were created on which it was impossible for a clergyman to live. The business of the Ecclesiastical Commissioners had been first to redistribute the Ecclesiastical revenues and meet the exigencies created by the Pluralities Act, and secondly to supply the spiritual wants of an increasing population. If they took £300 a year as the common minimum endowment to be granted for parishes having a population of 500 souls, it had been calculated that to raise all the benefices in public patronage throughout the United Kingdom to that rate, and to provide one-half the funds necessary for securing the same object as to benefices in private patronage, the amount required would be about £15,000,000—certainly not less. Now, in 1850, the sum of £80,000 a year became available towards the augmentation of the various livings which had claims on the Commission. From 1850 to 1857 the charges were in excess of the income of the year. In 1857, however, the tide turned. For the first time the sum of £5,000 was found to be available, and was appropriated in grants for the benefit of livings. In 1862 the excess of income over charges had increased to £100,000. To sum up the whole of the operations of the Commission to the present time, £426,000 had been granted to meet benefactions, and £40,000 a year in perpetuity to meet local claims and towards raising to £300 a year the endowments of benefices in the public gift, the population of which amounted to 10,000 souls. The total result was that £5,500,000 out of the £15,000,000 had been provided up to 1863—£4,500,000 from the common fund, and £1,000,000 by the liberality of the public. One of the papers for which he moved contained a prospective view of the operations of the Commission for the next five years. It was there calculated that within that time the Commissioners would be able to raise to £300 the endowments of all benefices in public patronage with 4,000 inhabitants, to provide half the amount necessary for the augmentation to the same amount of all benefices in private patronage, and also to appropriate towards the endowment of new districts £15,000 a year, being at the rate of £3,000 a year, and giving to each of such new districts £200 a year. During the year to come the Commissioners would give £100,000 to meet benefactions of equal value. They would also meet several local claims which had been thrown upon them by the Act of 1860; and they would augment to £300 a year the incomes of benefices in public patronage with 8,000 people. At the end of five years the whole of these operations would be carried out by providing from all sources no less than £10,000,000. Dull as these statements were, they were entitled to the careful consideration of their Lordships. The measures he alluded to would meet a very serious want. Let the kinds of cases that were dealt with be considered. In one, a young man of education, thrown into a district where there had never been a resident clergyman, where there had been no spiritual cultivation, was obliged, in addition to his other difficulties, to live with his wife and family in a labourer's cottage; the Commissioners would be able to provide him a house. In another, an incumbent in one of our large towns is struggling to keep up a decent appearance upon an income which some of their Lordships would hardly think of offering to an upper servant; the Commission would provide him an income of £300 a year. In many such cases clergymen were waiting with anxiety for the time when the operations of the Commission would reach them, and on every ground it was impossible not to watch for the result of these operations with great interest, and before pronouncing a decision on the proceedings of the Ecclesiastical Commission. In conclusion he would beg leave to move for Copies of Two Reports of Committees of the Ecclesiastical Commissioners.

LORD RAVENSWORTH said, that the most rev. Prelate had spoken on a subject which was unquestionably of considerable importance, but as to which it was notorious that a great amount of dissatisfaction prevailed out of doors. The most rev. Prelate had alluded to the conditions and circumstances in which the assistance of the Ecclesiastical Commission had been extended to the improvement of small benefices; but he had omitted altogether to direct their Lordships' attention to the most material item in the expenditure of the Commission—an item which, above all others, had excited dissatisfaction and distrust throughout the country, and which had been specially referred to and unequivocably condemned in the Report of the Committee of the House of Commons which sat last Session—he meant the enormous outlay on the management of the Commission itself. He should like to know whether the Government intended to carry out the recommendations of the Committee to which he referred. The charges for the management of these vast estates required much explanation, amounting as they did, to not less than £50,000 per annum; and the question arose whether the Commission as it was then constituted was a fit body to be intrusted with the management of such a vast amount of property, and whether it would not be wise to economise the property of the Church by some other arrangement. There was another point to which he wished to refer, as it was one on which loud complaints were made. He had always held that particular attention should be paid to local claims; and he believed that the Commissioners had not made sufficient allowance for the demands which had been made upon them in those cases. He admitted that very considerable amelioration had taken place under the Commission, but the whole subject would have to be considered by the Government, who would have to decide whether they would support the present system with all its charges and expenditure, or whether they would propose some new arrangement, such as that which had been suggested by the Committee of the House of Commons, of substituting various local ecclesiastical bodies for one central body.

THE ARCHBISHOP OF CANTERBURY said, he was not at all sorry that his noble Friend had touched upon the subject of the expenses of management, as he could assure the noble Earl that the items for expenses of management, equally with the operations of the Commission, would well challenge investigation and bear explanation. Much had been said about the expenses of the establishment at Whitehall, but it must be borne in mind that there were three branches of expense. There were the expenses properly belonging to the establishment; there were the expenses attaching to the management of the estates in hand; and there were also the expenses attaching to transactions which were merely temporary, and which would cease when the tenure of estates for leases for terms of years or for lives was changed into a system of leases at rackrent. The expenses of the establishment at Whitehall had already undergone a rigorous investigation by three gentlemen appointed by the Treasury, and the result of their inquiry was to show that quite as much work was done in the office of the Commission for the money as in any Government office. The expenses of transactions tending to change the tenure of estates and to give lessees the option of purchasing were necessarily great, as the Commission had to deal with property amounting to £30,000,000 sterling; but the charges under this head, involving the purchase of the interest of the lessees, of some portions of Church property, and the sale of the interest of the Church to the lessees in other portions of that property, was not above 30*s*. per cent, including the cost of stamps, a rate much more moderate than was usual in legal expenditure on transactions of a similar character. If, then, the expenses of the Commission were fairly divided into the three heads of which he had spoken, and if it could be shown that the cost of the management of the estates in possession of the Ecclesiastical Commissioners has not exceeded that incurred by any of their Lordships, he did not think the complaints which had been made of the Commissioners could be justified by facts, and he had no doubt that an inquiry into the subject, for which every opportunity would be given, would tend to satisfy the public mind upon that point.

THE EARL OF POWIS said, he thought that the amount of expenses for the management of the Commission required careful inquiry; that it was easy for plausible lawyers, if not closely controlled, to run the Commission to great expense in dealing with and exchanging property. There was also a want of financial intelligence in the mode in which they dealt with their funds. It was natural to look with some suspicion upon the system of charging capital with a large proportion of the legal expense connected with the purchase of estates. The question would have to be considered, whether the Commissioners were justified in distributing the surplus of their funds in annual grants, and preventing that surplus from reproducing itself, as it would do every thirty-three years, if invested by way of capital; and also the soundness, in a commercial point of view, of transactions such as buying out lessees instead of investing surplus capital and allowing leases to expire.

THE BISHOP OF LONDON said, he should much regret if the impression went abroad that the right rev. Bench were responsible for the mode of conducting the financial arrangements of the Commission. The ecclesiastical Members of the Commission, like many of the official Members, were, in matters of finance, quite in the hands of what was called the Estates Committee, which his noble Friend (the Earl of Chichester) represented. Therefore, he did not think they could be held responsible for any of the intricate transactions which had been alluded to. The Commission were desirous of inquiry, and when the matter came to be sifted, he had no doubt that the Estates Committee would be found to have discharged their duties with great wisdom; and although the Commissioners were for the moment somewhat unpopular, yet, as they grew richer, they would become more popular, and by being able to increase their grants, would conciliate the opinion of the public. The whole work of the Commission in matters such as they were discussing that night, was transacted by the noble Earl (the Earl of Chichester), the noble Viscount he saw on the other side of the House, two right hon. Members of the House of Commons, and one Bishop, who assisted them from time to time. The other episcopal Members of the Commission were all prepared to take their due share of responsibility, but it was a mistake to suppose that, with the many other demands on their time, they could enter with great minuteness into such questions. No doubt there was a considerable degree of unpopularity attaching to the Ecclesiastical Commission. As they all knew, a Committee of the House of Commons had reported somewhat adversely on the subject; but that it was not specially the ecclesiastical members of that body on whom the Committee had reflected might be gathered from this, that one of their recommendations was to transfer the business of the Commission to the Bounty Board, which chiefly consisted of ecclesiastical members. He hoped the noble Earl would explain to the House exactly the principles on which they proceeded. The Committee of the Ecclesiastical Commission had not yet reported on office expenses, but as soon as they had reported, his most rev. Brother would, no doubt, be as ready to call for that Report as for any other. For himself and his right rev. Brethren, he might say there was nothing they were more anxious for than that there should be a thorough investigation of all the expenses of the Commission, and, if they were too much, let them be reduced. The business of the body of the ecclesiastical Members of the Commission was to attend certain meetings of the Board, when great principles, not generally referring to finance, were introduced, and to these they gave their sanction. One of these matters was, how far they should raise the small livings which at present existed, or promote endowments for new districts now being formed throughout the country. Of course, in a large Board different members would have different opinions; but for himself he was inclined to consider that in the Report now called for rather too much was given to existing parishes, as compared with new parishes, which he hoped to call into existence to meet the growing population. His own diocese was increasing very rapidly every year, and his desire, above all things, was to increase the means of grace as the population increased. But the proportions in which these various objects ought to be attended to, fell very properly under the attention of the episcopal Members of the Board. Financial matters were left generally in abler and more appropriate hands. He hoped the question of the expenses would be carefully attended to, and that before long a Report would be laid on the table, showing exactly how much was spent in the office, and how much that expense might by possibility be reduced. He was bound to say, so far as his own diocese was concerned, that he was greatly indebted to the Commission for the way in which it had given effect to those clauses of the Act which had been passed three years before, whereby local claims were attended to.

THE EARL OF CHICHESTER was understood to say—The right rev. Prelate who had last spoken seemed to him to underrate the services of himself and the Episcopal Members of the Commission. He himself was quite prepared to admit, that the main responsibility of administration devolved upon the Estates Committee; and in respect to the Estates, the whole management was with that body, and with them only. But his right rev. Friend had evidently forgotten a recent and remarkable instance of the valuable services sometimes rendered to the Commission by individual members of the right rev. bench. The most rev. Prelate who had just moved for certain papers—one of which was a Report on the Financial State of the Commission—was himself the author and the chairman of the Committee who made that Report, and took a prominent and most useful part in the inquiries upon which the Report was based. The noble Baron opposite (Lord Ravensworth), was under the impression that the Report of the Committee of the House of Commons which sat last Session, condemned in general terms the constitution and administration of the Ecclesiastical Commission, and especially the heavy expenses incurred in management. There was no doubt that if the Report were read alone, it would convey that impression, but the charge was nowhere borne out by the evidence. Indeed, so far as he was aware, there was no evidence to prove that the Ecclesiastical Commission was managed otherwise than economically. Very little evidence at all had been given on the subject, except that furnished by the Officers of the Commission themselves. The Estates Committee had felt it their duty to commence a searching inquiry into the expenses of management, and the Report would be an answer to the observations of the noble Lord opposite. He was bound to say, for his own part, having given close attention to the subject, that he thought the expenditure extremely moderate considering the work done, and that economy was as strictly observed as in any other public department. With reference to the complaints made by the noble Baron, as to the inadequacy of endowments given in respect of local claims, he might add that the Commissioners had a rule which they invariably followed, supposing the property they possessed permitted of it. Where the population amounted to 500 souls the living was raised to £300 a year, and where the population was below 500 and exceeded 300, the living was raised to £250. In addition, funds were voted to the erection of parsonage houses.

The Bishop of ST. ASAPH said, he believed that the evil report generally prevalent in regard to the Ecclesiastical Commission arose from the false expectations which had been originally formed of the effect of its appointment. The Government which established the Commission entertained expectations from it which never could be realized, and the country had gone on ever since cherishing the idea that there was a gold mine to be worked. With regard to the expenses of the Commission, he might remark that their Lordships were not aware of the complicated nature of the titles to the property in the hands of the Commissioners, by which the expenses in dealing with it were considerably enhanced; still those expenses once incurred would not have to be paid again. In his opinion the ecclesiastical resources of the country were utterly inadequate for the remuneration of the clergy of this country, as they ought to be paid, and in a manner which would be for the good of the laity. He must express his firm conviction that unless those persons who were possessed of landed property would exercise their liberality in the way in which certain distinguished members of their body had already done, no very great good could be effected. If everybody possessed of landed property would act as liberally in regard to the church as the noble Earl opposite who resided in his diocese (the Earl of Powis) had done, the work would be well carried out, but without such assistance the work for the improvement of the church would never be effected in a way in which it ought to be.

Earl GRANVILLE was understood to say that he rose to answer a question which had been put to him as to the course which the Government intended to follow. His noble Friend behind him had partially answered that question. He might add that many of the recommendations of the Committee were of an administrative character requiring administrative sanction. On the other recommendations, the Government had not yet come to any positive decision.

Lord CHELMSFORD said, he wished to ask his noble and learned Friend on the Woolsack, what had been done under the act of last Session for the sale of small livings.

The LORD CHANCELLOR said, that accurate information would be laid on the table in the course of a few days as to the number and the terms of the sales which had been effected; but, speaking from memory, he might state that he had been fortunate enough to dispose of nearly forty livings. He regretted, however, that in consequence of some defect in the measure as it passed, he had been unable to sell any of the very small livings which most required augmentation—namely, those not exceeding £150 a year. That arose to some extent from his having failed to obtain that additional assistance from a source to which he thought he had a right to look for it. He was happy to add that the prices secured for the livings which had been disposed of surpassed his most sanguine expectations. For that result he was much indebted to the noble Earl below him (the Earl of Derby), who had taken so great and so solicitous an interest in the measure when before their Lordships' House in the last year. By the omission at the noble Earl's desire of a portion of the Bill—namely, the scale of prices which was inserted in the schedule, he had been left more unfettered than he otherwise should have been. At the same time, the prices had almost realized the highest scale. Some time necessarily elapsed before the mode of selling, if sale it could be called, was appreciated; but since it had been better understood, he had received a great number of offers, and he believed that in addition to the thirty-five or forty livings already disposed of there were twenty or thirty more sales in progress. With regard to the raising of funds for the augmentation of the very small livings, it might be necessary to come to Parliament for a new Act in order to facilitate the successful working of the measure in that respect.

Motion *agreed to.*

THE CONVICT TOWNLEY.

MOTION POSTPONED.

THE EARL OF CARNARVON said, he had given notice of a Motion for Monday next on the subject of the commutation of the sentence passed on the convict George Townley. He had, however, understood that the Secretary of State intended in a few days to bring in a Bill in the other House to amend the Act under which the convict had been removed from prison to Bethlehem Hospital, and the correspondence which had passed on the matter had been laid on the table. He therefore thought it would be better if his own Motion were allowed to stand over for the present until they saw what was the result of the discussion elsewhere.

House adjourned at a quarter past Six o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, February 5, 1864.

MINUTES.]—NEW MEMBERS SWORN—Sir Robert Porrett Collier, knight, *for* Plymouth; Sir Roundell Palmer, knight, *for* Richmond.

SELECT COMMITTEE—On Printing; Kitchen and Refreshment Rooms (House of Commons).

PUBLIC BILLS — *Ordered* — Rents (Ireland)*; Landed Property Improvement (Ireland) Act Amendment.*

COURT MARTIAL ON COLONEL CRAWLEY.—QUESTION.

MR. D. FORTESCUE asked the Under Secretary of State for War, Whether he will lay upon the table of the House the proceedings of the late Court Martial on Colonel Crawley, together with the plans referred to in the evidence; and whether, with a view to the elucidation of such plans, an opportunity would be afforded to Members of the House of inspecting the models produced before the Court Martial?

THE MARQUESS OF HARTINGTON said, he believed he had stated last Session, in reference to the proceedings of the Mhow court martial, that it was not usual and would not be desirable that the proceedings before such a tribunal should be laid before the House of Commons for its revision; but that, under the peculiar circumstances of that particular case, no objection would be made to lay the papers connected with it on the table, if they were moved for. As to the court martial which had recently been held at Aldershot, its proceedings were so mixed up with those before the Mhow court martial, which were already in the hands of Members, that there would be no objection to take in that instance also the course which had been pursued last year; and if the hon. Member moved for the production of the papers for which he asked, they would be laid on the table. Those papers would be accompanied by a plan, drawings, and correct measurements, so as to enable hon. Members to understand precisely the proceedings. With reference to the models, he had to state that they constituted portions of the evidence and formed a part of the record of the court martial itself, and it would not, therefore, be convenient or desirable that they should be removed from the custody of the officer in whose charge they were at present placed.

WRECK OF HER MAJESTY'S GUNBOAT "LIVELY."—QUESTION.

MR. RICHARD HODGSON said, he had given notice yesterday of his intention to ask the Secretary of the Admiralty a Question relative to the wreck of Her Majesty's gunboat *Lively.* He would ask the Question now with the hope of receiving such an answer as would remove what he trusted was a misconception that prevailed on the subject in the neighbourhood of Berwick. On the 22nd December last the gunboat referred to received orders to go to sea for the purpose of searching for some missing coasting vessels in the North Sea. On the 25th of the same month she was wrecked upon the coast of Holland. It was now alleged that she had not been built for sea service—that she was not fitted to take the sea in stormy weather—that she was built for shallow seas and estuaries such as she was generally employed in, at or about the port of Berwick. It was also alleged that in a short time after she had sailed for the North Sea, and within about two or three hours after the first order had been sent, a second order was received by telegram from the Admiralty countermanding the previous order, and stating that the *Lively* was not to be sent to sea. He wished to ask the noble Lord, the Secretary of the Admiralty, Whether that was really the case; whether the original order of the Admiralty for the gunboat to go to sea had been countermanded by telegram; and, also, whether the *Lively* was in such a condition as to be unfit for sea service?

LORD CLARENCE PAGET: It is perfectly true that towards the end of December the gunboats *Lively*, the *Medusa*, and another gunboat, upon the solicitation of the mayor and authorities of Berwick, and on behalf of the owners of thirteen fishing smacks that were missing, were dispatched to the North Sea in search of those vessels, and if possible to ascertain their and their crews' fate. It is true that the *Lively* is one of the smallest class of gunboats, and we should have been glad if we had had a larger class of vessels to dispatch on an occasion so urgent: but we were obliged to have recourse to such means as we had at command at the moment. The Admiralty dispatched one good sized paddle steam-vessel, the *Medusa*, upon this expedition along with the two others. I know of no telegram having been sent by the Admiralty to recall the *Lively*. I will, however, inquire further upon that point, as I only heard this day of this part of the hon. Member's Question. It is true that these gunboats are generally small vessels with small engines, but nevertheless a great many of them have gone to China and round the world. It, therefore, cannot be said that they are unfit to go to the North Sea. Every one knows what a fearful gale the *Lively* and the other gunboats had fallen into. I cannot speak of the loss of the *Lively* without bearing testimony to the extreme courage and gallantry of her officers and crew, and to the admirable manner in which they managed the vessel up to the moment when she was wrecked.

CONSTITUTION OF MALTA.

QUESTION.

SIR GEORGE BOWYER asked the Under Secretary of State for the Colonies, Whether Government have received a Petition from Malta, praying for reforms in the Constitution and Government of the Island, and whether it will be laid before Parliament? If that Petition had not been as yet received, he wished to know when it was expected.

MR. CHICHESTER FORTESCUE said, he had heard a rumour of such a Petition, but it had not as yet been received at the Colonial Office. He really did not know when it would arrive.

INDIAN ARMY—REPORT OF THE COMMISSION.—QUESTION.

CAPTAIN JERVIS asked the Secretary of State for India, Whether he has received a Report from the Royal Commission appointed to inquire into the alleged grievances of the Indian Army; and, if so, if he would submit the same to the House?

SIR CHARLES WOOD said, that he had received the Report of the Commission, and he had no objection to its production.

THE WAR IN DENMARK.

QUESTION.

SIR LAWRENCE PALK inquired of the President of the Board of Trade, Whether a cargo from a Prussian port consigned to an English merchant on English account would be respected in case of capture, so that it might be re-shipped in an English ship?

MR. MILNER GIBSON: I presume that the Question of the hon. Baronet refers to the case of a Prussian vessel captured by a Danish cruiser, with an English cargo on board. My answer, then, must be that I suppose it would be respected, inasmuch as Denmark acceded to the Declaration of Paris. The third Article of that Declaration is in these words:—"Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag."

ADDRESS TO HER MAJESTY ON THE LORDS COMMISSIONERS' SPEECH.

REPORT.

LORD RICHARD GROSVENOR then *brought up* the Report of the Address to HER MAJESTY on the Lords Commissioners' Speech.

MR. WHITESIDE: Sir, as the Address which has just been read contains a congratulation upon the general condition of the country, I wish to submit a few observations upon a subject which was not touched, and could not properly have been touched, last night. As it appeared to me, the best portion of the speech of the hon. Gentleman who seconded the Address (Mr. Goschen), if one might prefer any part of a speech which was generally so good, was that in which he touched upon the internal prosperity of England. He drew, with the pencil of an artist, a picture of the great prosperity of England; and thinking rightly that it would not be perfect if he did not introduce into it a darker shade, he discoursed wisely and eloquently upon the condition of the poorest of our working classes. He feared that what he said of the general prosperity of the country might to their ears savour more of irony than of truth. In fact, the hon. Gentleman appeared to be apprehensive, lest they might be sceptical of the truth of that statement, the general veracity of which we must all rejoice to admit. The sentiments which he expressed were worthy of the abilities of the hon. Gentleman, and I cordially respond to all that he stated as to the general condition of this country. But I would ask of any impartial man, when that speech shall be read in Ireland, with what feelings will that portion of it be regarded which touches so judiciously and so eloquently upon the prosperity of the Empire? I desire to make a few observations upon the condition of Ireland, to which I am satisfied, that if they are sustained by fact and fair argument, the House will listen with interest. I deny that this is a provincial question. I decline to consider it in that light; because whatever concerns so large a portion of the Empire as Ireland never ought to be regarded as merely provincial. An eminent and distinguished person who once adorned the Whig benches gave his reasons for interfering in a great debate got up on the other side of the House upon the subject of Ireland. No doubt his words will be remembered. They were the words of a brilliant Whig in opposition. Lord Macaulay thus described the importance of Ireland to England—

> "That country, Sir, in extent about one-fourth of the United Kingdom, in population certainly more than one-fourth; superior probably in internal fruitfulness to any area of equal size in Europe; possessed of a position which holds out the greatest facilities for commerce, at least equal to any other country of the same extent in the world; an inexhaustible nursery of the finest soldiers; a country beyond all doubt of far higher consequence to the prosperity and greatness of this Empire than all its far distant dependencies, were they multiplied four or five times over; superior to Canada added to the West Indies, and these both conjoined with our possessions at the Cape and in Australasia, and with all the wide dominions of the Moguls—such is the state to which you have reduced it, that it is a source not of confidence and strength, but of alarm and weakness. How do you govern it?" [3 *Hansard*, lxxii. 1170.]

I propose to make one or two remarks upon the state of that country, and then to ask the question which Lord Macaulay put under different circumstances, "How do you govern it?" I think it right to state, that I have given notice to my right hon. Friend the Member for Tamworth (Sir Robert Peel), that it was my intention to take the earliest opportunity of presenting this question to the House. The condition of Ireland ought to be clearly understood. But before I refer to the condition of that kingdom, I must advert to the official statement made on a former occasion by the right hon. Gentleman the Chancellor of the Exchequer. Although I do not think that he fully exhausted the subject, yet for the purposes of this debate it may be enough to advert to a passage of that statement. The right hon. Gentleman has a poetic fancy; and since he returned from Greece I have detected a superior finish in his style, which induces me to think that if he did not outwit the crafty Ulysses, he contrived to suck in honey from the lips of Nestor. In his anticipations, however, with regard to revenue from Ireland, the right hon. Gentleman had been as much disappointed as he has been with regard to the much larger subject, the revenue of the country. By an alteration in the rate of the spirit duties the right hon. Gentleman imagined that he would gain half a million ; but, instead of gaining what he imagined, he lost a considerable sum by the operation. It was necessary to give some explanation of the matter; he was obliged, therefore, to touch on that unpleasant theme, the condition of Ireland ; and I confess that in no portion of his statement do I so fully concur as in the sentiment with which he introduced it.

> "I refer," said the right hon. Gentleman, "to the state of Ireland, and I very much doubt whether the attention of the public has been fully awakened to the amount of calamity which during the last few years has befallen that portion of the United Kingdom. The depression under which it labours is generally diffused; its extent is as broad as the area of its agricultural industry." [*Hansard*, clxx. 207.]

have condensed the figures which he gave, and from these it appears that the amount of the four principal items of agricultural production was each year from 1856 to 1859 on an average £39,437,000. In 1860-1 it fell to £34,893,000 ; in 1861-2 it fell to £29,077,000, being a decrease of £10,360,000 ; in 1862-3, low as was the point previously reached, it descended yet lower, and fell to £27,327,000 from the former average of £39,437,000 ; thus showing a decrease of somewhat above £12,000,000 sterling.

> "This amount," said the Chancellor of the Exchequer, "equals nearly one-half of the total estimated value of the agricultural products of the country as measured on the principal items or constituents of agricultural wealth. It falls not very far short of the established annual valuation of the country, which is £13,400,000."

And he makes this concluding remark—

> "The state of circumstances thus exhibited is one not less remarkable than painful."

The only part of the right hon. Gentleman's speech to which I take objection is, that while he put the facts with his accustomed clearness before the House, and moralized on the distress they exemplified, he did not suggest any remedy ; he proposed no measure of redress, but left the subject, I presume, to the wisdom of the Imperial Parliament. That was the state of things at the date when the Chancellor of the Exchequer spoke. But what has occurred since? There are a number of writers in Ireland whose opinions I fear to quote with regard to the harvest just concluded ; but there is a very respectable organ which represents the opinions of Gentlemen who sit below the gangway, *The Daily News*, and in its summary of the events of the past year the writer says—

> "The impression of the cheerfulness of that harvest is still vivid. Never was a bountiful harvest more welcome. But for one drawback, therefore, we should have been in the highest spirits about our home prospects. We have saved £20,000,000 by such a season, but Ireland seems to be in almost as bad a plight as last year. There seems to be no doubt that the losses of Ireland by three previous bad seasons have been greater than the country can afford, so that the benefit of this year's fine weather has been little felt. By degrees, however, we come to see that the prodigious emigration taking place from all the ports was natural and necessary, under the homestead law and the dearness of labour in the United States. True as this is we all feel it a grief and shame that Ireland should be so inferior to other countries as a residence for the working classes ; and while not at all desiring to detain those who are going away to improve their chances in life, we cannot but wish that these chances were improving at home faster than they do. This has been one of the troubles of the year."

Those were the words of the writer who summed up the history of the year in the journal called *The Daily News.* Next to agriculture, the two great interests affecting land in Ireland are the distillery and the paper trades. What has been the effect of the legislation of the right hon. Gentleman upon those two branches of industry? Figures have been placed in my hands by distillers, showing that the diminution of consumption or production has been equal to about 5,000,000 gallons, which, with the duty added, they value at £1 a gallon—a large estimate. In the year 1835 I am told there were ninety-one distilleries in Ireland ; they are now reduced to twenty-five, and from that number must be deducted one which was closed last year. This depressed condition of the spirit trade is ascribed by my informant to the increased duty imposed upon that article by the right hon. Gentleman. I am aware what a delicate thing it is for a Member of Parliament in these days to say a word in favour of the British producer; it amounts almost to a crime to do so. But when I see a trader with a large capital embarked in any kind of manufacture, by a sudden change of the law deprived of a large portion of the property which he imagined belonged to him, I do feel sympathy for him, and I would desire that the process of his extinction might be as painless as possible. The right hon. Gentleman spoke hopefully of the benefits which were to follow from the alteration in the paper trade. Upon this subject accounts have reached me, both from a publisher and a paper-maker. To the publisher the change was comparatively immaterial; he did not care a farthing where he bought his paper; but all he got from abroad was so much taken away from the home trade. But his informant mentioned in his communication that the supplies which he had been in the habit of receiving from one firm in Galway exhibited a great decrease since 1861, when the duty ceased, owing to the difficulty under which the manufacturer was put of procuring materials. During the year ending the 30th of September, 1860, the publisher bought from that firm paper to the amount of £3,436 ; during the same period in 1861, £2,468 worth ; in 1862 they were only able to supply him with paper to the value of £1,336, and last year the amount fell to £1,235. The paper millowners themselves ought to be the best judges of the effect upon them of the abolition of the duty. I have already referred to one mill in Galway. I will now give the House the case of the Dripsey Mills, in Cork, the proprietor of which, Mr. Alfred Greer, has empowered me to make use of his name. That gentleman says—

> "Probably the best reply I can give to your note will be simply to repeat what I told you a few days since in Dublin has been my own experience of the effect of the remission of the penny Customs' duty on foreign paper imported into the United Kingdom. I commenced to manufacture paper over twenty years ago in the South of Ireland, and during every monetary crisis and commercial difficulty through which we have since passed I have always been able to keep the mills at full work and my hands on full wages, until last year, when the pressure became so great that I was reluctantly obliged to put both my mills upon half-time, and to discharge a portion of my workers, many of whom have emigrated. The remission of the Customs' duty on foreign paper while the export duty on rags is maintained by foreign countries, has acted as a bounty given by our Government to foreign paper manufacturers, and has rendered it utterly impossible for me to compete with them in London, which has hitherto been my principal market, and last month I relinquished my premises there. In my own experience my local collection of rags has advanced in price from 50 to 100 per cent; the lower sorts from £4 10*s*. per ton to £9 or £10, and the better sorts from £11 10*s*. to £17 per ton."

During the famine years of 1847-8 this gentleman was able to employ all his hands; but now he states that he is "frequently met on his way to the mill by women and girls, weeping for work." The paper and whiskey interests being disposed of, I come now to the question of small holdings in Ireland, and I allude to this subject for the purpose of calling attention to the theory propounded by certain political economists, which will inevitably produce results greater than any which have yet been exhibited. We speak of Holstein, of Schleswig, and of Denmark. Why, what is the population of Denmark compared to the emigration from Ireland ? According to the official Returns which I hold in my hand, I find that from June, 1841, to March, 1851, the emigration from Ireland was 1,240,737 ; from March, 1851, to April, 1861, 1,276,773 ; and from April, 1861, to July, 1863, 201,057 ; making a total of 2,718,567 persons who quitted that country from 1841 to 1863. I should like to know whether a parallel is to be found for such an emigration in the history of any other country in the world. But even this statement does not place all the facts before the House, because, while we are speaking, the figures are growing larger. Steam now has not only removed many dangers of the passage, but it has enabled emigration to continue all the year round. By this improvement in the means of transit, aided by the pressure of Imperial legislation, the emigration is both more rapid and more persistent than formerly. There can be no doubt whatever that the general legislation of the Empire for a long time past, however well it may be sustained in argument, has borne harshly and severely upon Ireland. The great Whig organ, *The Edinburgh Review*, has made that admission. I do not say to such an assembly as I address that we are to meddle with the Corn Laws; but I invite the attention of those who say they are friends of the working classes to this matter. When you altered the Corn Laws you stated that the same amount of labour would not be required in raising food as before, and that the people might purchase cheaper food by the extra labour that would be bestowed on manufactures. But in Ireland there are no such manufactures, and therefore it was that Sir Charles Trevelyan, and the other able men who investigated the condition of Ireland during the famine, pointed out that if we intended to preserve a reasonable number of people in Ireland, some new system should be devised for stimulating those who were in the country to undertake new modes of employment ; otherwise it would be impossible to maintain the existing population. I think their views sound, and the result that they anticipated followed. But what is the result?—because the question is, not whether you can recall the millions who have emigrated, but whether the causes which produced that emigration are still in operation, and whether you are to tell the working classes and small farmers of Ireland plainly, but politely, the sooner we get rid of you the better. There are few gentlemen in this House who have not read Mr. Mill's *Political Economy*. Mr. Mill is a clear, able, and logical writer, and though you may differ from him sometimes, you do not find it easy to answer him. Now, he is of opinion that the cottier class—that is, the tenants of one acre—must cease to be. I agree with him. I think we must finish them off. There are 40,000 families of that class still in Ireland, and with four or five persons in each family this would make from 160,000 to 200,000 persons to be got rid of. Then there is the class of holdings under five acres, about 85,469, and that adds materially to the figure of the population also to be got rid of. Then there are the holdings between five and fifteen acres, 183,931 in number, and if you add 141,000 holdings of between fifteen and thirty acres, and follow out the principles of those who contend for this theory, that small farms and small farmers are not to be allowed, you will dispose of another million and a-half or two millions of the inhabitants of Ireland. But is that theory true? I do not dispute that large farms may be necessary and useful in a rich country, but I dispute the theory that you must have only farms of a certain size in such a country as Ireland. If any man has lived for a time in Belgium, the Low Countries, Switzerland, the Valley of the Arno, Tuscany, or Lombardy, he will see, I think, that the conclusion of Mr. Laing is strictly true, and that, though allowances must be made for differences of soil and climate as to the productiveness of each country, yet as regards the size of the farms, the facts are against the modern theory. Take the county of Armagh and the county of Cork, and you will see very extraordinary results. Armagh contains 328,076 acres, of which 178,672 were under tillage in 1863, 24,066 being under flax. Cork, with an area of 1,849,613 acres, or nearly six times as many as Armagh, has only 481,655 acres under tillage. The principle which is upheld by the friends of the present Administration in Ireland, who profess to be sound political economists, will, if carried to its legitimate conclusion, lead to very awful results. But this theory is met by facts which they can neither answer nor deny; and my argument is directly opposed to it, if I have brought before the House the position of Ireland sufficiently for the purpose of that argument. I ought not, however, to quit the subject without drawing attention to the fact, that it is computed that within the last thirteen months 100,000 fighting men have gone from our ports to the United States of America. Thus it appears that whole armies are going from Ireland to fight the battles of America, and while subtle lawyers are fighting sham battles in the law courts, and puzzling their brains to find out why a ship which is but a mere log upon the waters until it is manned, should not be launched, the American emissaries are enlisting in Ireland, and inducing to go to the States, under great promises of high pay and remuneration, thousands of men of that stuff which in former times, on many a bloody field, defended your Empire and maintained your glory. If these are insignificant facts, dispose of them as such; but I would ask, in the history of what country are facts of a similar nature to be found? And what are the only circumstances of alleviation which I can discover to have been suggested by the eminent persons connected with the local Government in Ireland? I watched what was said at a late meeting of the National Board by Lord Carlisle, who always speaks in a graceful manner, and he pointed out the immense advantages of associating the emigration with education. At this crisis we are teaching the Irish peasantry astronomy, algebra, natural philosophy, geology, and other mysterious sciences, and when all that is done what is the result? We only succeed in making each educated youth a discontented subject of the Queen, who quits the country as soon as possible. This is the happy effect that follows from our national education. We fatten the ox that he may be cut up in England, and we polish the Celt that he may be cut up in America. By-and-by, if the Chief Commissioner of the National Board were to settle down in the far west of Ireland, he might exclaim with Robinson Crusoe, as he looked around, "I am monarch of all I survey." I have fulfilled my mission, I have discharged my duty, I have educated the people, and in this happy country there are now neither parents nor pupils. But what remedy for such a state of things is suggested? Hon. Gentlemen no doubt do not read the Irish papers: but our press and pamphlets are now reviewing the arrangement as to taxation at the period of the Union, and what occurred at the time the two Exchequers were amalgamated, and the people declare they cannot pay the burdens of taxation which are now imposed upon them; and I would submit to the right hon. Gentleman the Chancellor of the Exchequer, that he will find it difficult to get a high paying power in Ireland, for if cattle take the place of men, these innocent animals do not consume excisable articles, just as the hon. Member for Sheffield will admit they do not use knives and forks. With these facts before us, I ask the House whether, as the successive bad harvests of Ireland have not been caused by the people, as these great calamities have not overtaken them by their own act—I ask, would it not have been a gracious thing to have expressed in the Royal Speech a sympathy such as had been expressed on a former occasion for the sufferings of the artizans of Manchester. If you compare the wealth of the two countries, Ireland and England — their mineral wealth, their commercial wealth, and their manufacturing power—you will see how vast a loss to Ireland is £15,000,000 or £20,000,000, and that that figure must be multiplied by ten to represent a similar amount of distress in England. It might, therefore, well have occurred to the Government, that it would have been a graceful thing to have referred to such great domestic events. These are matters as well worthy the consideration of the House as events affecting the smallest principality in Germany. If I ask myself what are my hopes from the local Government of Ireland in reference to this state of affairs, I confess I have none. Some time last Session I walked into the lobby, and I met there a merchant from Belfast, and I asked him what brought him to London. He said he had some business with the Government. I asked him why he had not disposed of it at the Government offices in Dublin, and he replied, "Oh, the Government of Ireland is only Larcom and the police." I reflected on what he said. The next morning I began to repeat to myself "Larcom and the police," until I thought I understood the meaning of the phrase. I understood with humiliation it meant, that the real authorities that exist in Ireland are the Under Secretary and the police, and that the rest are mere "leather and prunella." The police is the real power in the country. Who is the gentleman who is Under Secretary in Ireland? He never appears before the House or the country. He writes orders, pulls the strings, does the real work, and is exempt from observation and responsibility. I respect him sincerely, but he is a permanent Under Secretary. In former times an Irish country gentleman was generally Under Secretary. I remember three such gentlemen,—Mr. Lucas, Mr. Pennefather, and Mr. Wynne—and I venture to say that although they were gentlemen of somewhat different opinions, three more able, useful, and excellent servants of the Crown could not be found in the Empire. By the new Treasury system such men are passed over. I look next to the mode in which we are governed by English statesmen and Irish Secretaries. I have three of the latter before me at this moment. They visit us unexpectedly, remain a very short time with us, and, like migratory birds, fly away by night. The right hon. Member for Stroud (Mr. Horsman) was our Secretary for a time. I remember hearing him say that he had nothing to do, and I must do him the justice to say that he did that very agreeably. The fact is that a Secretary for Ireland may do as much or as little as he pleases; he may, if he likes, throw the whole work on the Under Secretary. But in Ireland the right hon. Member for Stroud found nothing to do—the reason he says so was because he did nothing. If he had applied his clear understanding to the questions and subjects that a conservative administration was obliged to consider, difficult, troublesome, and repulsive, no doubt they were, he would have found that many great questions affecting Ireland remained to be dealt with. When my right hon. Friend the Member for the University of Cambridge was Secretary of State for the Home Department, he came to Ireland, as a sensible Secretary ought to do, and he found that abundant work remained to be done for the benefit of the country by those who chose to undertake it. However, the right hon. Member for Stroud left us, and the right hon. Gentleman the Member for the city of Oxford (Mr. Cardwell) became our Secretary. We never knew why the right hon. Gentleman came or why he left. Those will be difficult questions for the future historian of our country to solve. The right hon. Gentleman was more industrious than his predecessor. He copied some of our Bills, and copied them badly. The right hon. Gentleman presented us with a new penal law. I have about as much respect for the inventors of new penal laws as for the inventors of new poisons. The right hon. Member for Oxford kept us here for months in the summer while he passed with difficulty a law aimed against the young men of Londonderry for singing songs and hanging effigies of well-known traitors. The result has been that his law has ever since remained a dead letter. Londonderry is one of the three improving towns in Ireland, Cork is the second, and Belfast the third. The author of the right hon. Gentleman's indignation seemed to be a Protestant rebel named Lundy, whom our fathers somehow neglected to execute, and whom their posterity have been executing in effigy ever since. Then came the right hon. Gentleman the Member for Tamworth (Sir Robert Peel). He dashed into Dublin, penetrated into the interior, crossed the mountains that separate Sligo from Enniskillen, forced his way into Londonderry, and from the unconquered city is reported to have addressed a letter to the noble Viscount, in the words of great Julius to the Senate, *Veni, vidi, vici.* The right hon. Gentleman appears to have been under the delusion that from personal considerations and from our respect for the honoured name he bears, we were all to change our places in this House. I, for one, have no objection to change places in this House in the regular way; but I object to change my party and my friends. However, when I remember the eloquent speeches of the right hon. Gentleman—some as eloquent as those which he lately delivered at Tamworth—I hardly wonder that we were all expected to be converted. The difficulty was to find out what we were to be converted to, and to what party the right hon. Gentleman belonged. I own I do not quite understand the politics of my right hon. Friend. I have been informed that the noble Viscount has been described as a Radical, then that he was a Reformer, next that he was a Whig, and finally that he was a Tory. The right hon. Baronet attaches himself to the noble Viscount and he is proud of the connection. But I should like to know how it can be imagined possible to govern a kingdom of the size of Ireland by the exclusion from its local Government of the industry, property, and intellect of the country. I ask those Gentleman opposite who write despatches to assert that the will of the people ought everywhere to be regarded, that monarchs may be elected by universal suffrage, and that kings, if necessary, should be changed like sentries, I ask them how they reconcile the Government of Ireland with their notions of the supremacy of the people? What is the theory of the Government of Ireland? Your theory of government is that every gentleman of property and intellect is to be excluded from the smallest share in the political government of his native country. And who invented that theory? The men who proclaim to all other countries the questionable doctrine, that every country ought to be allowed to choose and change its own rulers. If that be the theory of the present Government, how has it been accomplished in Ireland? How is our present Government composed? It is framed on the principle of counteraction, and the local Government of Ireland seems to be formed on the same principle. It is a common subject of observation that there are two parties in the Irish Ministry—one to resist, control, and baffle the other. We have a Whig Lord Lieutenant. The Earl of Carlisle is a highminded nobleman, greatly respected for his courteous and dignified conduct; all that he wants in Ireland is a party. That old and respectable party of which he is a leader—the ancient Whig party—has died out in Ireland from sheer exhaustion, and there is a strong disposition to secure a specimen of this once powerful party, to embalm him like an Egyptian mummy, to put him in a glass case with the superscription, "The last Irish Whig." I admit that in the time of the first Earl Grey the Whigs were powerful in Ireland, and we have a clue to the causes of their extinction. When they were possessed of power they were politically exclusive, intolerant, and selfish. They excluded the intellect of the country, and the intellect of the country resented the exclusion and resents it still. That is the real cause of the decay of the Whig party in Ireland. What, then, is the state of the peculiar party of which the right hon. Gentleman (Sir Robert Peel) is believed to be a Member? From a close analysis of the representation it is believed, that at the next general election there will be returned to Parliament from Ireland the twenty-fifth part of a Peelite. These are the rulers of Ireland—and where is their Parliamentary support? I ask, if Lord Carlisle were to address 10,000 men in any part of Ireland, on the question whether they would give their support to the ancient Whig party, would 500, would fifty, would five men say they were Whigs? I have described the condition of the local Government of our country, and I ask how can you expect to conduct a Government successfully so composed? The right hon. Gentleman (Sir R. Peel) is regarded as a Conservative, the Chancellor Brady is one of the admirers of O'Connell, and the Lord Lieutenant is said to be the mediator between the two contending parties. I refrain from making any attack on the Chancellor Brady. He is taking part in a movement for raising a statue to O'Connell. I was utterly opposed to O'Connell's political principles, but I do not believe that O'Connell was animated by the purely selfish views of which he is sometimes accused. He paid me a high compliment once, for I had the honour of defending him. I believe he merely desired to sever the Union between the two countries, and establish a Parliament in Ireland of which he was to be the supreme head. The Chancellor Brady never deceived anyone; he has always openly avowed and maintained his political opinions; but what I cannot understand, and never could understand in political life, is how men can sit down in the same council to deliberate for the common good of the country when they hold opinions diametrically opposed. When we were in office, in the Government of Ireland, under Lord Eglinton, we may have been inefficient, but at any rate we knew each other and liked each other; we worked amicably together, and we gave no trouble to the Secretary of State for the Home Department, who was always regarded by us as a kind friend, zealous to do whatever a humane man could do for the benefit of the country. Now, the first thing you hear when you enter the Four Courts, is some gossip about the conflict which is going on between the two opposing parties in the local Government. I may mention a very amusing circumstance which has lately occurred in our country. I do not know whether hon. Gentlemen have read the description of certain letters which recently appeared in a Dublin journal, and which letters were said to have been signed "An Old Tory." We always thought when such epistles appear at this side the water that they came from some one who did not fill the character he assumed—some one who was endeavouring to take the part of "A fine Old English Gentleman, one of the olden time." Well, one morning it was discovered that the letters not actually published in the newspaper were written by an official in the Court of Chancery—the son of the Chancellor. The "Old Tory" was a brisk young Radical. When the thing was found out, his not unfair defence was that he thought there was an intrigue in motion to put the Chancellor out of office, and he therefore composed these letters in the character of an old Tory, writing up the very respectable opinions which I regret he does not profess, and writing down the Peelite party. That is the last event in the policy of our country. Now, I wish to ask the right hon. Gentleman (Sir R. Peel) whether he really believes that a local administration divided as this is can carry on the government of the country. I say it is not possible for a Government to be wisely administered under such a system, and those who are responsible for the maintenance of that system must take the consequences. I say nothing of the disposition of patronage. The Lord Chancellor has always acted on one avowed system; and I believe that if my great countrymen who have figured in this House or out of it—Ponsonby, who led his party, Plunkett, Curran, Bushe—of whom Sheil remarked that they were thrown away upon a profession and a province—were living now, and stood before the Chancellor, and it were necessary to fill a high place, the question would not be which had the superior abilities, the most splendid genius, but which belonged to his political creed. I do not complain of that, because I do not seek any redress on the subject. Those who have established the present mode of government in Ireland, must take the consequences. I place the facts before the House, and I ask the right hon. Gentleman if he thinks it possible that he can become the political Coriolanus of the day. I have described the general condition of Ireland: but, though gloomy in certain provinces, there is a bright spot in that country; whilst two provinces are in the state I have described, I ought not to sit down without touching on the flourishing condition of Ulster. In that province the population has maintained its position by their skill and industry, and they hope that the like industry and the like success which has rewarded them may be extended to the other districts of Ireland. I abjure the policy which holds, that if one part of our country is prosperous, we should be content; it is my conviction that Ireland cannot be truly contented, or truly happy, unless a similar amount of the prosperity which prevails in the north should be extended to the west and the south. As to the idea that agriculture is to be discouraged, I ask in what age of the world was such a policy ever known? What was the condition of the greatest empire that ever existed? Rome practised agriculture and she practised arms, and the foundation of the Roman Empire was laid when Cincinnatus held the plough with his victorious hands. Commercial Carthage perished in the strife with Rome; the splendid organization of the Greeks could not save them; and, when the Roman agriculture began to decline, the politic Emperor sought to revive her agriculture, not by the sophistry of the calculator, but by the imperishable charms of verse. There cannot be a strong or a prosperous country if agriculture is to be abandoned in two of its provinces. I have laid before the House the condition of Ireland, and I ask would it have been too much to expect that a few gracious words of sympathy for our distress should have been inserted in the Royal Speech, and is it too much to expect from your benevolence to suggest, your wisdom to contrive, and your ability to apply some remedy which may staunch the bleeding wounds of my country?

SIR ROBERT PEEL said, he regretted that his right hon. Friend had not adopted the recommendation of the distinguished leader of the Opposition, in abstaining from introducing matters of controversy into the debate on the Address in answer to the Speech from the Throne. But he had no hesitation whatever in meeting him on the points he had raised that evening, and of referring to two or three matters which he had adduced with his usual ability and sarcasm. The right hon. Gentleman had alluded to what he said had been the common subject of conversation in the Four Courts of Dublin. He had drawn an amusing picture of what he wished the House to believe was the real state of things as regards the position of the Members of the Government in Ireland. He (Sir Robert Peel) did not know whence the right hon. Gentleman obtained his information; but this he could honestly say, that he had no reason to believe matters were as the right hon. Gentleman had stated. No doubt there might have been some differences of opinion among the Members of the Government, and perhaps on the subject of Tyrone, to which the right hon. Gentleman has alluded, that might have been the case. But he could assure the House there was very little truth in the sweeping allegations of the right hon. Gentleman. The right hon. Gentleman had referred to some gossip about the letters, "An Old Tory," which he might very well have abstained from. He had next endeavoured to attack individual Members of the Irish Government, who were not present, in an unfair manner. He said he heard a person in the lobby of the House allege that the government was carried on by "Larcom and the police;" but he must remind the right hon. Gentleman that the person he was thus speaking of was General Sir Thomas Larcom, and that he held the same position when his right hon. Friend held office in Lord Derby's Government as now. Doubtless the right hon. Gentleman did all he could to remove him; but he (Sir Robert Peel) never heard any one find fault with either the ability, temper, and spirit of conciliation with which his hon. Friend, General Larcom, conducted the business of his office. In corroboration of that statement, he might appeal to his noble Friend opposite (Lord Naas), who he was glad to remark nodded his assent in corroboration of the opinion he had expressed. The right hon. Gentleman was very random in his statements. Last year he took him (Sir Robert Peel) up very sharply for making some accidental mistake in figures. To-night, however, the right hon. Gentleman had gone much further himself in the way of error. He said that during the last thirteen months 100,000 fighting men had left Ireland to swell the ranks of the Federal army; and that from 1851 to 1863—[Mr. WHITESIDE: No; I said 1841.] Well, then, that from 1841 to 1863 no less than 2,700,000 persons had emigrated from Ireland. At all events, the right hon. Gentleman was wrong on one point, and probably he was wrong on the other. The total number of persons who emigrated from Ireland in the last twelve months, large as that number unquestionably was, did not exceed 120,000, including men, women, and children. He was positive, therefore, that the right hon. Gentleman was wrong on the first point. The right hon. Gentleman had also alluded to the small holdings of land in Ireland, and thought it a misfortune that the number should be diminished. He (Sir Robert Peel), on the contrary, thought that the cause of emigration had nothing to do with political or religious questions, or the land question, but was the natural consequence of want of employment amongst agricultural labourers, who naturally went to places which promised adequate remuneration for their labour. He maintained what he had often stated in the House, that he did not think it an immense misfortune for Ireland that emigration should be going on. No doubt it was a sad thing that men should be induced to leave their country by false pretences, and find themselves in America drafted into the Federal army. But men could not be prevented from leaving this country if they pleased to emigrate. The right hon. Gentleman had next referred to a period when Ireland had a population of 8,000,000. It should, however, not be forgotten that at that time the vast majority of the Irish were the worst clad, the worst fed, and the worst housed of any people in the world. Probably the right hon. Gentleman had been writing letters to country gentlemen who did not give him the exact state of the case. If the right hon. Gentleman would go through the country as he (Sir Robert Peel) had done, he would be compelled to agree that the social condition and the comforts of the agricultural labourer were every year improving, and that there was a vast increase of comforts and social enjoyments to be found in the homes of the poorer classes. The right hon. Gentleman and the right hon. Member for Buckinghamshire express their regret that there should be no allusion to the state of Ireland in the Speech from the Throne; but there was no special reason for it. The state of Ireland is, undoubtedly, far better than it has been for the last two or three years. Lord Derby said, very truly, that the depression of two or three bad harvests must naturally weigh on the people at the present time. But, undoubtedly, the weather, which was the most essential point, had been and still is far better than he (Sir Robert Peel) recollected since 1861. The potato crop had not been so good as it is in any year since the famine period. It was good in quality and abundant. The turf had been well saved; and thus the two main elements for the comfort of poor persons were most promising. The autumn had been rather wet, and a good deal of the abundant harvest of last year had been lost by flood. Nevertheless sufficient had been saved to make it, he would not say an average year, but a year far better than the three preceding years. The winter which followed had been unusually favourable for sowing, and therefore the prospects of the country on the whole were satisfactory. The Royal Speech referred to the prospects of the country being on the whole satisfactory, and of course the agricultural condition of Ireland was included in that general reference. The right hon. Gentleman said that the condition of Ulster was far preferable to the condition of the three other provinces. He (Sir Robert Peel) quite agreed with him. In Ulster there was an immense flax culture. The flax produce in Ulster was of the annual value of about £4,000,000, and it was manufactured into linen goods in the province to the value of about £20,000,000. Probably the circulation was limited to Ulster, and consequently its condition was far better than that of either Leinster, Munster, or Connaught, where there were no such resources. But at this moment a movement was going on with a view to extend the flax culture to the other three provinces, and every one must hope that the movement would be successful, because it would give employment to those hands who could not find occupation in agricultural pursuits. It appeared from the very full report on the farming interests of Ireland, which had lately appeared in *The Farmer's Gazette*, that prices were well maintained; and there was therefore no cause for discouragement as to the future. The prospects of the coming year were full of promise; and he, therefore, did not agree with the right hon. Gentleman that there was any want of proper consideration of Ireland manifested in the preparation of the Speech from the Throne. The condition of that country was comprehended in the allusion to the general prosperity of the country. He believed that Ireland was progressing; that the people were raising themselves from the moral and social depression in which they had recently laid; and judging from the general movement that was perceptible in the country and the existing desire to give a healthy stimulus to industry, there would result in a short time the gratifying prospect of our seeing the gallant and gifted people of Ireland—to use the language of the right hon. Gentleman—recovered and emancipated from the depression of the past three years.

MR. BENTINCK said, he did not rise for the purpose of following up the discussion which had taken place between the right hon. Gentleman the Member for the University of Dublin and the right hon. Baronet opposite: but he could not refrain from making one remark on what he had heard in the course of the debate. It appeared to him that both his right hon.

Friend and the right hon. Baronet had blinked the question they had been discussing. He would appeal to any man who had a knowledge of the agricultural history of Ireland, and ask him to reply "yes" or "no" whether the exodus from Ireland, on a great scale, did not begin immediately subsequently to the financial policy of 1846? Probably he might be told by those holding a different view of the subject, or who were hampered in the expression of their opinion, that the Irish famine was the cause of that exodus. But we had just been told by the right hon. Baronet the Secretary for Ireland, that the exodus continued on an increasing scale when the agricultural condition of the country was comparatively prosperous; and therefore he (Mr. Bentinck) contended that those who held with him that the exodus was mainly caused by our financial legislation were justified, and he would appeal to any man in the House who was not hampered in his statements, and who was able to state what he conscientiously believed, whether he was not perfectly grounded in the statement which he had made? There were one or two other points on which he would ask permission to say a few words. He thought the House, after the great excitement which had prevailed relative to the debate on the Address, had been somewhat disappointed at not hearing more on the great questions of the day. They had, it was true, learned something. They had learned that a great and portentous quarrel was now being waged in Europe, in which all the parties concerned were unquestionably in the wrong. Now, no quarrel was so difficult to make up as one amongst people who are all in the wrong; and therefore he was afraid that the aspect of affairs led to anything but a hope of an early termination of the war which had just commenced. It must be admitted that the chief cause of the quarrel must be ascribed to what in political parlance was called "the development of the liberal principle." Wherever was found "the development of the liberal principle" there invariably were also found following such development anarchy and revolution. That process had been carried on some time in Germany, and he appealed to any Member of the House who had followed the march of events, whether what was called "the development of the liberal principle" was not the obvious cause of the state of things we now so much deplored. The people of this country seemed to forget that the conduct of affairs at home did not depend upon the conduct of affairs abroad; and they invariably heard upon all occasions, when the affairs of foreign countries were under discussion, long diatribes in favour of what were called liberal institutions; and, what was more, they had invariably heard for some years past from the Government of this country every possible encouragement given to anarchy and revolution in every part of the world. That seemed to him to come with a singularly bad grace from a party who were always pluming themselves upon being the advocates of peace; and he would venture to suggest to the Government, that if they were honest and sincere in their desire for the maintenance of peace they would not take every possible opportunity of giving counsels and suggestions which were invariably followed by anarchy and revolution. Something was said in an earlier stage of the debate upon the mode in which the noble Earl at the head of the Foreign Office had dealt with the proposal of the French Government for holding a Congress at Paris. He was not now about to discuss whether the wording of that refusal was or was not exactly what it ought to be, or whether the noble Earl ought to have been more courteous; but this he was bound to say, that he thought the noble Earl could have taken no other course than he did in rejecting that proposal, which had been happily described in one of the public journals as a proposal "to assemble a large number of people together in order to decide what they would quarrel about." He cordially agreed with his hon. Friend the Member for Inverness-shire (Mr. H. Baillie) in his regret that there was no allusion in the Royal Speech to the subject of American affairs, or to the conduct of the Federal Government, upon recent occasions, towards this country. He did not say that the Government were called upon to recommend Her Majesty to say more than they had already said as to their intention with respect to non-intervention between the North and South; but he thought that the Government ought to have told them something as to their intention or otherwise of consenting to allow the continuance of the paper blockade, which had been existing for years past, and which was becoming every day a farce more complete and more absurd; and whether, in the event of that blockade not becoming effective, they will not take some steps to render it altogether neutral. He also thought the House had a right to know from the Government what was their intention with respect to certain outrages which had been recently committed on the British flag by Federal cruisers; because, although some of these cases might be fairly considered as cases which might be decided by the proper courts, there were one or two of recent occurrence which were quite out of that category—cases of deliberate piracy and murder, and involving a direct and positive insult to the British flag. There was an instance of very recent occurrence, where a deliberate and cold-blooded murder was committed by an American officer of a Federal vessel on board the ship *Saxon*. He thought they had a right to know from the Government what steps they had taken in order to deal properly and promptly with what he would describe (as far as they knew of the facts) as one of the most piratical and murderous proceedings to be found in the records of such outrages. A great deal was said in the course of the debate on the Address, from the front bench in another quarter, in condemnation of the tone taken by the noble Earl at the head of Foreign affairs, whom they charged with having threatened a great deal and having done nothing. He was one of those who regretted that the noble Earl should have said so much at a time when it was probably his intention to do so little; but he did not think that the blame attached solely to the noble Earl, because it appeared to him that the blame must be shared by the whole of that House. If the noble Earl was wrong in giving utterance to those magniloquent threats which he had not the means or intention of carrying out, what must be said of the British House of Commons, which went on night after night discussing the propriety or otherwise of embarking in a great European war at a time when the country had neither troops nor ships sufficient for our own defence. That was a position which they were called upon fairly to look in the face. They were plainly and deliberately discussing whether it was not becoming in them—whether they were not called upon by feelings of honour or motives of interest—to enter into a struggle with nations whose armies consisted of from 300,000 to 600,000 troops, while if we ransacked the country through some wretched 20,000 or 30,000 disposable troops were the most we could muster. If hon. Members would discuss whether the country was called on by its interests to take part in the affairs of Europe, the first thing to be done was to put the military and naval forces in such a position as would enable the Government, speaking on behalf of the nation, to make their words good. Under any other circumstances, the threats of this country would only be laughed at, for the whole of Europe would feel assured that they were threats which the country was utterly unable to carry out. Were they to learn nothing from the past? There was hardly a Member of that House who was not old enough to recollect what he always considered the ill-advised declaration of war against Russia. But if the proceeding was ill-advised, the mode in which it was carried out, and the consequences of the precipitation with which we embarked into that war, were something which it was frightful now to contemplate, and formed one of the darkest pages in the history of this country. There was no man who had ever studied the history of the Crimean war who was not aware that not only preparation but all strategy failed, and that nothing but the bull-dog and invincible courage of the British soldier saved the army from destruction at the battle of Inkerman. Now, he had the most boundless faith in the courage of the British soldier, but he said that they had no right to expose the blood of such men to such odds. If they chose to embark in the great battle-fields of Europe, they were called upon, not only in common prudence, but in humanity, to do it upon something like equal terms. They had no right to send their wretched band of 20,000 or 30,000 soldiers to be massacred in order to maintain the honour of England. That was what they did in the Crimean war; and he wanted to know if they were going to repeat that insane proceeding. He wanted to know if they were going to deliberate whether England should or should not enter into a European war in the present state of our armaments. If they were, hon. Members must begin by discarding the cheese-paring policy of the Chancellor of the Exchequer with respect to our military establishments, and the doctrines of the peace-at-any-price party. They must turn a deaf ear to such counsellors as the right hon. Gentleman the Member for Bucks, who applied the term "bloated" to our already reduced armaments. They must not only re-organize the army and navy, but take measures for maintaining them in an effective condition. so as to avoid those disasters which had made the Crimean war so deplorable. They must not only organize forces adequate, but recollect that those forces could not be organised in a few days. He believed we could not muster more than some 20,000 or 30,000 soldiers at the present time, and that certainly was not a force with which we could go and control the affairs of Europe. And what was the state of the navy? It was well known that the utmost our navy was capable of was to undertake the defence of our shores and the defence of our commercial marine abroad. If it was equal to that it was as much as it could undertake. We had not now a navy which, in addition to the duty of protecting our commerce and defending our own shores, could undertake the blockading of foreign ports. Therefore, he contended that they ought to have some further explanations from the Government with respect to the armaments of this country. He had been induced to go into this subject at length because he had heard a rumour which, if true, was of a most painful character—namely, that in the present state of Europe and of the world at large, the Government contemplated a reduction in the army. He must say, if that statement were true, the inquiries *de lunatico* which had taken place in other parts of the country ought to be extended to the Treasury benches. He trusted, however, that there was no foundation for this painful and incredible rumour; but he thought the Government were bound to tell them, as they told them that the question of peace or war was undecided, whether in the event of the decision being for war they proposed to carry on warlike operations, giving an assurance that they were not going, as at the commencement of the Crimean war, to sacrifice, to a shortsighted and cruel policy, the best blood and treasure of the country?

Mr. WHITE desired to make one or two remarks on the paragraph in the Royal Speech with reference to Kagosima. It was there stated that the injury inflicted on that town arose incidentally and inadvertently; but he could not understand how any one who had read Admiral Kuper's despatches could come to that conclusion. The hon. Member for Maidstone (Mr. Buxton) had given notice of a Motion on this question, but it was of so harmless and innocuous a character that he preferred expressing his views on it at once. For his own part, he owned that when he read Admiral Kuper's despatches he trembled for the safety of a son resident in that quarter of the world. One of the gentlemen who was murdered by the Japanese was a personal friend of his own. He had, therefore, every interest in desiring that due protection should be afforded to Her Majesty's subjects in those parts; but, at the same time, he could not believe that their safety or the security of British property would be attained by such high-handed proceedings as had taken place on this occasion. He did not wish to throw any reflection on the Admiral. His experience of foreign stations convinced him that the men whose profession was fighting were least disposed to resort to violence, unless it was absolutely necessary. It was generally the non-fighting men who urged on such measures; and in the present instance, if anyone was to blame, he had no doubt it was, not the Admiral, but Colonel Neale or the Minister who gave him the instructions on which he acted. He was sorry, however, that Admiral Kuper did not express the regret he must have felt at being the instrument of so great a disaster. He wished he had followed the example of Sir Michael Seymour, who, when compelled to resort to coercive measures against the Chinese, regarded it as a calamity, and performed his harsh duty with the utmost possible leniency. With regard to the Polish question, the Downing Street dialectician had been worsted; for which result he had himself partly to blame, since at the outset he so ostentatiously proclaimed that "words, not deeds," was to be the rule of British policy. The least the Government should have done was to withdraw our Ambassador from St. Petersburg. In spite of the momentary triumph of Russian diplomacy, he felt assured that the cry of butchered men and outraged women would rise to Heaven against the murderers, and that public opinion and international policy would both tell forcibly against them. As to the Congress, he had never read or heard a good reason for refusing to enter it. We had joined the Emperor of the French in many foolish schemes in the Crimea, in Mexico, and in China; but as soon as his project was at all reasonable, we declared we would have nothing to do with him. In the present state of Europe, with not only the Schleswig-Holstein difficulty unsolved, but the French in Rome and the Austrians in Venetia, it was obvious that there were many questions containing the seeds of future wars in Europe. They should remember that it was in consequence of this policy of mutual menace and distrust that Europe at the present moment presented a most portentous spectacle. There were between 2,500,000 and 3,000,000 men in arms—a larger force than existed at any period during the wars of the First Napoleon, and the total charge had been estimated at the enormous sum of £200,000,000 per annum. Surely such a state of affairs was one that deserved the attention of the various Cabinets of Europe. When he remembered that the Emperor of the French himself had pointed out that one of the first efforts of a Congress would be directed to a reduction of armaments, and when he remembered likewise that the right hon. Member for Buckinghamshire and other distinguished statesmen in this country had dwelt with great force on what they termed our "bloated armaments," and had advocated reduction, he could not but regret that the French proposition, so reasonable and so timely, should have been rejected in terms the reverse of courteous. Great Britain could not have suffered from a Congress. She, at all events, had no selfish or sinister end in view; she had already given an unparalleled example of political magnanimity in surrendering the protectorate of the Ionian Islands—an example that should have stimulated other nations to similar acts of self-sacrifice—she desired no further honour and glory than she could always command — she would have entered the Congress, having to fear no loss of prestige, and animated by the sole desire of preserving the blessings of peace. He also regretted that there was no reference to Parliamentary reform in the Speech of the Royal Commissioners. Twice Her Majesty had been graciously pleased to recommend the House to take into consideration the condition of our representative system, and to call upon it to widen the basis of the Constitution, and in 1859 the Government had pledged itself to take the subject into serious consideration. How they had performed those promises and kept that pledge was known to the nation. It was plain that they did not believe in the virtues of the reform movement unless, like the Pool of Bethesda, it was being continually agitated. The truth was, that people out of doors might say of the Members of the House of Commons that they were a set of political Pharisees. Just now hon. Members on both sides were rivalling one another in their admiration of the forbearance and wonderful self-control of the working classes. A calm and philosophic observer would say that this was the very epoch for widening the basis of the Constitution; but no — parties were too intent on their own selfish purposes to do justice to the working classes, who must make themselves disagreeable before they could hope to receive that attention to which they were so eminently entitled. He trusted, however, that when his hon. Friends the Members for Leeds and East Surrey introduced their measures of reform, both the Government and the House—for, after all, a deathbed repentance was better than none—would endeavour, at the close of their existence, to atone for the errors of their youth, and would manifest in a substantial manner some of that exuberant sympathy for the working classes of which we had recently heard so much. In that event he, and he thought the country at large, would still show some sparks of gratitude towards them.

MR. O'HAGAN (ATTORNEY GENERAL FOR IRELAND) said: Sir, I had not the least intention of taking any part in this debate, and I should not have intruded for a moment on the House, but that an attack of a very extraordinary kind has been made upon a dear and honoured friend of mine who is not here to defend himself, the Lord Chancellor of Ireland. Whatever may be my opinion as to the speech which has been the subject of attack, I cannot fail to see in the new-born sympathy with Ireland which has been exhibited by Gentlemen on the other side—in two places yesterday and here again to-night—a manifest attempt to accomplish a political object. It was not shown in times gone by; it was not lately shown, when Ireland needed it far more than she needs it now. No man can doubt the object of the demonstration, and, on the avowal of the highest authority in another place, we know that it was not meant to have any practical result in relation to the people whose support it was designed, by a few cheap words, to win. But this would not have led me to intervene in the discussion if my right hon. Friend had not thought proper, in a fashion for which I know no precedent or parallel, to assail absent men with personal imputations, and for that purpose to retail the slanders of the press and ventilate the whispers of the Four Courts before the House of Commons. The Larcom of whom he spoke is Sir Thomas Larcom, a major general in the service of Her Majesty, an accomplished gentleman, distinguished in science and in letters, who has spent his life in various important branches of the public service, and has been most eminent in all. Of him

I need speak no further; nor shall I speak of the Irish Government; but the House will bear with me whilst I tell them something of the Lord Chancellor of Ireland, and endeavour weakly to vindicate his reputation. He is a man of great ability and great experience. He has held judicial office for more than a quarter of a century. For years he was Lord Chief Baron, and the Irish bar and the Irish public were unanimous in believing that no better, sounder, more learned, or more impartial judge ever occupied that high position. He became chancellor some twenty years ago, and almost without intermission he has since held his place at the head of the profession to which my right hon. Friend and myself have the honour to belong. And that is the man who has to-night been made the object of a wanton and gratuitous attack, without notice or the possibility of reply. Neither his great office, nor his long public service, nor his personal worth has been allowed to protect him. And what is the accusation? First, he was the friend of Daniel O'Connell. Daniel O'Connell, it is said, advocated the Repeal of the Union, and the Lord Chancellor was identified with him in opinion. That is not the fact; every man in Ireland knows that it is not, and I am amazed that my right hon. Friend could have supposed it to be so. The Chancellor was no Repealer; but he has been, through good report and ill report, a staunch and consistent friend to civil and religious liberty. He was so, as much when attachment to that great cause was fatal to his worldly prospects as when it triumphed, and he rose along with it. He sympathised with its champion, helped in its struggles, and rejoiced in its success. If he had been less honest and true, more ready to postpone duty to interest, and more willing to shape his principles according to the shifting exigences of the time, he would not now have had his name paraded before the House of Commons. But he is engaged in erecting a statue to O'Connell! And is that a crime? The people of Ireland raise a monument to a great Irishman, whom they delight to call their Liberator: a man great in intellect—great in achievement: one of the foremost advocates of human freedom who ever appeared in this assembly or any other of the world. No lover of equal laws and free institutions could shrink from subscribing to it. The Lord Chancellor subscribed to it—I subscribed to it. I am proud to make the avowal in this place, and I should be ashamed of myself if I had not been prompt to pay that poor tribute of grateful admiration. And this is the act, so honourable to its author, so consistent with the whole current of his life, which is thrust forward to damage him in the esteeem of the Parliament of the empire. Next, we were told that the political predilections of the Chancellor determine the exercise of his patronage, and that, if the greatest lawyers and statesmen who ever adorned the bar or the senate, sought advancement at his hands, he would prefer to them the weakest, the most ignorant, or the most base, on the mere ground of political connection. I deny the charge. So put, it is utterly unfounded; but if it be only meant, that, full competency and integrity being secured, the Chancellor, for ordinary appointments, would prefer his political friend to his political adversary, it is no charge at all, and requires no refutation. So long as we have constitutional government and conflicting parties, regard must be usually had, on the one side and the other, to political claims; and I have no doubt that the Chancellor holds himself bound to recognise them. I challenge my right hon. Friend to point to a single promotion which he has ever made on the score of such claims, without abundant capacity on the part of the recipient; or, in the least degree, to the detriment of the public service. I defy contradiction when I say that he has never preferred a man unworthy of the place to which he was appointed. But how strangely does such an imputation sound from one who held high office under the Conservative party! Twice, in recent years, that party has had power in Ireland. Two of its administrations dispensed the patronage of the Crown, and dispensed it largely; and I am yet to learn that, in the whole career of either, a solitary Liberal was appointed to a single office. Nay more, the vast majority of the people of Ireland are Catholics; very many, and not the most obscure, of the members of her learned professions are Catholics too; and yet, so far as I am aware, not one Irish Catholic received a position of any public importance during the existence of either of those Conservative administrations. I do not say whether they were right or whether they were wrong in pursuing such a policy. They acted according to their nature, their traditions, and their necessities; but is it not too much that one who was law officer under each of those exclusive administrations should make it matter of complaint against the Liberal Chancellor, that he has had some regard to the principle of action to which they adhered with such desperate tenacity? But there is a final charge or statement of my right hon. Friend which I heard with amazement, and to which I can hardly reply with becoming temper. It is alleged that certain anonymous letters were written to a Dublin newspaper by a son of the Lord Chancellor, a clerk of affidavits in one of the offices of the Four Courts. The letters are not before the House; there is no proof of their existence or of their authorship; there is no intelligible statement of their contents. But assume that they exist—that they were written by the son of the Chancellor—that they are the most foolish or malignant compositions which ever brought disgrace upon their author—put the case as strongly as fact or fancy could possibly present it, and with what propriety or decency can the name of the Chancellor be connected with such things? No man dares to suggest that he was privy to them; no man believes that he ever gave them countenance. How does it comport with the dignity of this House that such a miserable transaction should occupy its attention for a moment? How does it consist with the interests of the administration of justice that its highest functionary should have his name associated before the country with an act so paltry and indefensible, in which he had no part? How is it compatible with common fair play and natural equity, that a father should be made in any way responsible for the fatuous indiscretion of his son, of which he was wholly ignorant, and which he could not possibly control? Yet, that is the charge, if I understand him rightly, which my right hon. Friend is not ashamed to make. But I should insult the understanding of the House if I dwelt longer on such a topic, and I dismiss it in the full assurance that neither from it, nor from any other of the statements and suggestions of my right hon. Friend, will the slightest stain be fixed on the fair reputation which the Lord Chancellor of Ireland has borne throughout his honoured life. In his high position — that reputation needs to be guarded as the property of the country, which it behoves to watch that its judges are worthy of respect; and only on that account, and from a strong sentiment of personal regard, have I ventured to trouble the House with the observations it has received so kindly. Although I have spoken without any previous purpose of meddling with the argument, and mainly from the impulse of indignant feeling, I would say a word before I conclude as to the general statement of my right hon. Friend. With much of it I find no reason to quarrel; with many of its views I entirely concur. No man in this House or the other House of Parliament has felt, or at this moment feels, more strongly than I for the sufferings which have been endured by my poor countrymen in the past years. They have been heavy and bitter, and they have been bravely borne, and though their extremity has passed, they have left behind exhaustion and depression. On the gigantic emigration which is still in progress, I confess I look with painful apprehension. The observation was true, that it comes from blended causes. Some of them stretch far into the past, when the old misgovernment of Ireland established evil distinctions between the classes of her people, deranged the natural relations of the proprietors and occupiers of the soil, and left to us a sad inheritance of penury and discontent. Then, the later visitations which have been permitted by Providence induce the departure of multitudes who have ample facility of egress to a more fortunate land, offering richer rewards for labour and a fairer career to industrial effort; and, perhaps, the very strength of those family affections which once made the Irish regard themselves as *ascripti glebæ*, and bound them lovingly to their native soil, now swells more than all things else the torrent of the emigration, for it lures them irresistibly to seek a home where their nearest and dearest have gone before them! It is impossible not to look mournfully on their departure—it is impossible to foresee its issues for Ireland and the empire. But stating much that was true, my right hon. Friend did not state the entire truth. It is well to estimate correctly the difficulties and discouragements of our position, that we may labour to remove them. It is well also to recognize any advantages it presents, to save us from despairing apathy. And to Ireland, afflicted as she has been, struggling as she is, such advantages are not utterly denied. She is labouring through a painful transition state; but she has no reason to give up heart and hope, or abandon her striving after a better future. Only for a quarter of a century—a little instant in a nation's life—has she been even partially relieved from the disturbing influences of penal laws, and corrupt administration, and the domination of faction, and the ascendancy of caste, which forbade her moral and material progress. Evils which have endured for centuries cannot be ended in an hour. But, since Ireland conquered civil and religious equality, she has seen much accomplished which gives assuring warrant for all that remains to be done. She possesses a sound and widely diffused intelligence, in which she may hold herself in favourable contrast with any European kingdom. An insolvent proprietary, wholly incompatible with her social progress, has been swept away. The restraints on the alienation of landed property and its quick and facile passage from hand to hand have been largely removed, and we have the path open, and the preparation made, for the simplifying and security of tenure. Equal laws, fairly administered by impartial judges, command the confidence of the people, and, in all their sorrow, through all their trials, they have maintained a purity of morals, and an earnestness of religious faith, almost unexampled amongst the nations of the world. Whilst such agencies as these are in action, we have no need to despair of Ireland. Her history, in its darkest hours, demonstrates the recuperative energy, the resilient vigour, which dwell in the Irish race; and we may confidently believe that those prophets of evil who indulge the hope of the extinction of that ancient and noble race in its own land will be disappointed, and that it will yet, with God's blessing, pass safely through its latest trial, and reach a happy and prosperous development. Even at this moment, Ireland exhibits evidence of a growing spirit of self-reliance and independent effort in the great industrial movement which is pervading her provinces, without the suggestion or the support of the Government, or any influence external to Irishmen themselves. The land of the country still commands very large prices, and the growing industry and forethought of the masses of its inhabitants are proved by the great amount of their deposits in the banks. These are cheering circumstances, and I shall notice only another to which my right hon. Friend, reviewing the general state of Ireland, should scarcely have failed to advert. One of the first duties of a Government is to suppress crime and preserve peace and order amongst the people committed to its keeping. Some things it can do and some it cannot; some economic and social agencies it cannot control, and with some it cannot wisely meddle; but it fulfils an important function of its being if it secures the supremacy of law and gives full security to property and life. Now, I think my right honourable Friend should not have omitted inquiry into this important branch of his great subject when he came to deal with the condition of Ireland. As he has not thought proper to do so, I may be permitted to supply his omission, and to say, as one speaking with some authority because he controls the administration of criminal justice in his country, that, in my judgment, there is, perhaps, no other in the world which is at present so free from crime. Examine, in this regard, the judicial statistics of great and prosperous England. Then go to Ireland, and, notwithstanding all the incentives to fraud and violence which poverty supplies, the contrast against the richer kingdom will amaze you. Now and then, offences of an agrarian character crop up, here and there, but they are not, as in former times, the fruit of combinations and confederacies. They are local, occasional, individual; prompted, often, by a sense of real or imaginary wrong; but they are not of such a character as to prevent the general and normal condition of the country from being one of order, morality, and peace. We have lately passed through the sad scenes of a special commission. We have tried many capital cases, we have had many convictions, and many terrible examples have been made. But, pass through the length and breadth of Ireland and I believe you will find that not as to a single trial, conviction, or execution, is there the smallest complaint amongst the people. Like their forefathers, they are lovers of equal and impartial justice. They see that the constitution has not been strained, that there has been no vigour beyond the law, that the accused have had fair play, and full opportunity of defence, and they are content with the results. It was not always so; and I think it is evidence of progress, and some matter for congratulation, that justice has thus been vindicated, crime punished, and outrage suppressed with the entire approval of the Irish people; and that Ireland can boast of present immunity from serious offences such as she had not enjoyed within the memory of man. I thank the House for its great kindness.

MR. HENNESSY said, that his right hon. Friend the Attorney General for Ireland was not correct in saying that the

Government of Lord Derby had never selected for promotion from the bar of Ireland any of their political opponents. While the Attorney General was speaking, there sat behind him an hon. Baronet (Sir Colman O'Loghlen) who, although a liberal Roman Catholic, had been selected by Lord Derby for a first-class county chairmanship in Ireland. Another Catholic, Mr. Coppinger, had been promoted to a similar position, and a judgeship had been offered to Mr. Sergeant Howley, also a Catholic. The legal promotions of the present Government in Ireland were all based on political considerations, whereas Lord Derby had conferred judgeships on Mr. Baron Fitzgerald and others who had not been known in the political world. The government of Lord Derby had acted in that way while only a few months in office after many years of Whig rule in Ireland. No doubt in that country promotions to the bench were made in general by both sides on party grounds, though no such principle would be permitted to prevail in England. But this miserable question of places and patronage was insignificant and unworthy of notice compared with the serious questions really affecting Ireland. He was astonished to hear his right hon. Friend assert that the present depopulation of Ireland was a natural transition. [Mr. O'HAGAN dissented.] He had understood his right hon. Friend to state that it was a "phase of transition;" but he would ask him whether the wholesale emigration which was taking place from that country might not be accounted for by the fact, that the Government paid no attention to the grievances set forth in the Petitions which were every Session sent in vast numbers from Ireland, and which prayed for amendment in the Poor Law Act, in the system of national education, and above all in the land system. The Irish people asked for the English Poor Law, and for separate education. Both were refused them; while the Government, giving places to liberal Catholics instead of justice to the people, appointed Lord Dunraven to a seat on the Board of National Education, his Lordship having objected to the mixed system, and having opposed the scheme of the right hon. Baronet the Chief Secretary for Ireland, having for its object the further endowment of the Queen's Colleges. As if to illustrate the value of Liberal principles he was asked to aid in the administration of a system which he had denounced. The Attorney General for Ireland was the only Member of the Government who knew anything of that country. They were all aware that the present Chief Secretary for Ireland was a man of ability, and one who was very popular in England. He should be glad to see the right hon. Baronet in the Cabinet for an English Department; but he knew nothing of Ireland, and, therefore, was not fitted to fill his present office. It was surprising that among all their Irish supporters in that House the Government could not find one whom they considered worthy of the office of Chief Secretary. His right hon. Friend had spoken a good deal about things which existed in Ireland, but he had omitted to tell the House about the discontent which prevailed there. The lord lieutenant of a county had recently told him, that from all the accounts he received he believed Ireland was never more discontented than at present. What else could be expected? The laws affecting the Irish people were not just laws, and they were administered from Dublin Castle by Englishmen. The people complained of this in vain. They suffered under grievous and unjust taxation, but they complained in vain. While the state of things of which they complained was allowed to continue they would still be discontented. The right hon. Gentleman had made a speech on the state of Ireland, but although he was formerly the eloquent champion of tenant-right, and although the uncertain tenure by which tenants held their land lay at the root of the evils which existed in Ireland, the right hon. Gentleman had never once alluded to the subject. What had the present Government done in the direction of improving the land system? Nothing. For years Liberal Governments had refused to do anything; but, under the Government of Lord Derby, a Bill was introduced which would have given compensation for retrospective as well as prospective improvements. The population of Ireland, which in 1843 amounted to 8,500,000, had now fallen to 5,300,000. Had it increased in the same ratio as that of England it would have been 12,000,000. Who was responsible for the loss of the people? The British Government. Mr. Stuart Mill said that a Government which saw a people dying off, a population steadily declining, was tried and condemned. That was the case with the present Administration. The right hon. Gentleman had spoken of Liberalism and the Roman Catholic party in Ireland as being identified. In that he was wrong. The Roman Catholic and the Liberal parties in that country were not the same. The Roman Catholic party sought for religious education, but it was one of the main principles of the Liberal party to exclude ecclesiastical influence from public instruction. And so it was with other points which had been included in a recent pastoral of the Roman Catholic bishops. Liberalism was opposed to Catholicity. More than that, it was opposed to the genuine interests of Ireland. Those who wanted to substitute horned cattle for human beings in Ireland are liberal statesmen. The Liberal party, with the blackest ingratitude, have laboured to destroy the very people who years ago put them into power. The Liberal Viceroy openly rejoices at the decline of the agricultural population. Fortunately the Irish people are now beginning to see the objects and principles of the so-called Liberal party. Why, the Irish Lord of the Treasury (Mr. Luke White), although the son of one of the most popular and largest landowners in Ireland, was prevented from representing the county of Longford, in which his father's estates were situated, because he was an "honest" Liberal. The Government had two defenders on the Treasury bench, but out of the 105 Irish Members they would not find another to support them either in this or any other debate.

Sir PATRICK O'BRIEN had not on entering the House the most distant intention of occupying its attention. Statements, however, which had been made during that debate relative to political opinion in Ireland, accompanied by empty generalities echoed in another place, intended, he believed, to affect a future election, and to bolster up an unholy alliance between Irish Catholics and those who for over fifty years had unflinchingly opposed their religious freedom and political regeneration, induced him to offer a few observations. He was not disposed to give to that question of patronage that prominence which it had received. It might, and had no doubt its weight with many, but it was entitled, in his opinion, to but a small consideration in regarding the general effects of the administration of the affairs of the country. As allusion, however, had been made to it, he might observe that the late Earl of Eglinton administered the affairs of Ireland during two administrations. During that period some £240,000 a year of patronage fell to his lot to dispose of, yet, with the exception of a distinguished scholar and lawyer whom he appointed to some office in his native country of small emolument, and which, by-the-bye, to save Lord Eglinton from awful pressure, he declined to accept, not one single Catholic was appointed under his administration. An alliance to be lasting must be founded upon principle, and, in common with the great mass of his Catholic countrymen, schooled in early life in Liberal principles, he would continue to vindicate Liberal political opinions. His hon. Colleague had asserted that the terms Catholic and Liberal were antagonistic in Ireland. He ventured to distrust the accuracy of that assertion; the religious freedom which they had already gained, and the social rights from which they were still unjustly debarred, had been, and only could be, obtained by the aid and co-operation of Liberal opinions. To suppose a lasting political connection between Irish Catholics, and, to use no stronger term, Irish Toryism, was mere moonshine; it might take effect as a hollow truce, but would never assume the form of an honest fusion; and however the right hon. Gentleman (Mr. Whiteside) might indulge in showy generalities, the Irish Catholics would entertain a deep distrust of Tory professions regarding Catholic interests or political rights. The two parties in Ireland were necessarily distinct. The Conservatives, from old associations, were imbued with notions of ascendancy and of high prerogative; and much as hon. Gentlemen who sat behind the front opposition bench, who held the representation of the entire province of Ulster in their hands, might respect and admire the intellectual ability and oratorical power of the Member for the University, they would throw him overboard and desert the administration of which he might be a Member, the moment that they found him exercising Papal predilections, or recognizing, whether as regards land tenure or other questions, popular demands. He joined his Colleague most heartily in his strictures upon the Government in regard to their treatment of the tenant right question, but he could not join with him in lavishing praise upon a Tory administration for their conduct of that vital question, because he recollected that the Bill to which he alluded, introduced by Mr. Napier, the then Attorney General of the Earl of Derby, was designated by that very nobleman as a measure of confiscation, and, in deference to those very Irish Tories (whom the poor Catholic farmers and peasantry are invited to support), the same noble Lord declined all further interference, on the ground that it had already burnt his fingers. He did not believe in the mode of conducting affairs by mere temporary sops, or that "troublesome Catholic Members can be caught by letting them have their way upon this or that subject." In politics broad principles were necessary; and, having regard to them, he, an Irish Catholic, was a Liberal. He did not affirm that Conservatives would deny to individuals the benefits of existing laws; but their legislation, as regards Ireland, was ever directed to serve the interests of a class who denied to the class below them the safeguards which they needed. He might, before he sat down, remind his hon. Colleague that, in adverting to the gallant Colonel the Member for Kidderminster losing his seat in Longford, he forgot to mention that he was not displaced by a supporter of Lord Derby's Government but by a Gentleman who, whilst adopting an independent course, felt proud, as a Catholic, to identify himself with the Liberals of Ireland. A deliberate attempt having been made to hoodwink the people, he had ventured to offer these observations, in which he believed the great mass of Irish Catholics fully concurred.

MR. HADFIELD said, he wished to have some explanation of the paragraph in the Royal Speech with regard to the promised Royal Commission for revising the subscriptions made by the clergy of the Established Church. Questions of the most important kind were now agitating the Church. The Bishop of Cape Town had actually deprived another Bishop of mitre and gown for entertaining heterodox opinions; yet notwithstanding the sentence the deprived Bishop disputed its legality and would retain his income. The subscriptions to the Articles of the Church of England were now declared by the head of that Church to be unjust. Was it not a remarkable thing that after the clergy had been bound by those subscriptions for 200 years (which subscriptions had driven out thousands of learned and conscientious men), the discovery should now be made that they were unjust, and that clergymen ought to be liberated from them. Was it intended to alter the doctrines of the Church of England as well? At present the Church contained within its body the widest extremes of opinion. In the Gorham case it was decided that clergymen might hold and teach opinions for or against the doctrine of baptismal regeneration, consistently with the requirements of the Church; and in the Natal case the Metropolitan adjudged the Bishop's doctrine to be unsound. It would be well that the latitude, in doctrine, the clergy were in future to enjoy should be defined. Was Bishop Colenso to be allowed still to hold his see? Another interesting question was this:—What was to be done with the starving working clergy of England and Ireland, of whom, under the head of "Startling Facts," the Clergy Relief Society give such deplorable accounts? One case was mentioned in which a clergyman, from insufficient nourishment, actually fainted in the pulpit. The Report said there were fully 5,000 clergymen of the Church of England whose income did not exceed £80 a year, and some whose total revenue did not amount to £50, while no less than 10,000 clergymen had not more than £100 per annum each. If they were allowed to throw themselves upon the generosity and justice of their congregations, he was persuaded that their circumstances would be vastly bettered. But the State was the great poisoner of all kinds of religious institutions. These poor clergymen were required to disavow connection with any other religious body, and to repudiate all non-conformity. He was surprised that there was no passage in the Royal Speech which inspired the hope that the poor clergy were to be relieved from their poverty as well as from subscription; and as to the proposed Commission, he should like to know what was its nature and what was the extent of the relief to be given by it. He also wished to be informed, whether the noble Lord at the head of the Government intended to consider what was to be done with the Established Church in Ireland. It appeared from the census of 1861, this Church did not include one-eighth part of the population in Ireland; and he wished to learn whether such a state of things was to be allowed to continue.

SIR GEORGE GREY said, he could relieve the apprehensions which seemed to be entertained by the hon. Gentleman as to the object of the proposed Commission. The hon. Gentleman had assumed that that object of the proposed revision of the forms of subscription and declaration was to relieve the clergy from all subscription and to allow them to teach any doctrines in which they might believe, no matter how much they differed from the doctrines of the Church of England. Now, that would be totally opposed to the intentions of the Commission. The terms of the Commission, which would be laid before the House in a few days, recognised subscription as the basis upon which the Commission was to proceed. But, in accordance with the opinions generally expressed by this House last Session, it was proposed to revise the various forms of declaration and subscription now required, some by the Canons of the Church, some by Acts of Parliament, differing in their terms, and, therefore, creating doubt and uncertainty, and liable to various interpretations, with a view to secure the declared agreement of the clergy with the doctrines of the Church, and at the same time to render the subscription as little burdensome and as unambiguous as possible. It would be injurious to the interests of the Church that subscription should be altogther abolished, and that clergymen should retain their preferments while holding and maintaining tenets utterly opposed to the teachings of the Church. He was glad that the hon. Gentleman regarded the endowments of the poorer clergy as inadequate, and would approve of their increase. [Mr. HADFIELD: Not the endowments.] A Report would shortly be laid before Parliament by the Ecclesiastical Commission, showing that out of the funds received by them from the new distribution of ecclesiastical revenues, they had been able to increase the endowment of a great many of the small livings to an amount which, though not large, would certainly remove much of the scandal which had existed in the Church of England in this respect.

MR. W. E. DUNCOMBE said, he could not allow the Report to be agreed to without referring to the state of our foreign relations. Since he had sat in that House there had been no previous Session of Parliament in which those relations were in a more critical position than at present. This country was now without an ally among the great nations of Europe; and in reference to America our so-called neutrality had been plainly one-sided; for by straining the law the Government had acted entirely in favour of the North to the prejudice of the South. He should like to have some explanation from the Government in reference to two questions which had been referred to by the hon. Member for Inverness (Mr. H. Baillie)—the ineffective blockade of the Southern ports, and the seizure of English vessels upon the high seas by Federal vessels without regard to law or justice. He should like also to know whether any step was likely to be taken by European Powers to stop the calamitous war now raging in America, or to mitigate it. More than a year ago the Chancellor of the Exchequer said that the Southern States had "made themselves a nation." Since then they had maintained their armies in the field; had secured their seat of Government, and had retained the hearty allegiance of the population; and he desired to ask how long this was to continue before we should recognize their independence? He hoped that the Government would lose no opportunity of offering their friendly advice in conjunction with that of other Powers to the American Government. With regard to Poland, the Government had departed from the principle of non-intervention, for they had not only addressed strong representations to the Emperor of Russia, but had even proposed the "six points." Before they did that they ought to have discovered the wishes and aspirations of the Polish people. Those people did not wish to recur to the state of things established by the Treaty of 1815, but sought for complete independence. The course the Government pursued was, therefore, inconsistent with the wishes of the Poles. It might have been expected that the affairs of Poland would have caused Her Majesty's Government to seize the first opportunity to come to some agreement respecting this, which affected the peace of Europe. He (Mr. Duncombe) differed from his hon. Friend the Member for West Norfolk (Mr. Bentinck) with respect to the policy pursued by this country when the proposal for a Congress was made by the Emperor of the French. If Her Majesty's Government had given a more favourable answer to that proposal, and England and France co-operated, they would not now be doomed to witness the unhappy spectacle of Austria and Prussia making a gratuitous attack on the territories of the King of Denmark. Indeed, it was of the utmost importance that England and France should be united on their foreign policy; for by such a co-operation they would give the best guarantee to the maintenance of peace and the efficient prosecution of war. It was his belief that by such a course much of the present difficulty and danger would have been avoided. But the foreign policy of Her Majesty's Government seemed to consist of a policy of threats and in remonstrance, generally ending in humiliation. Her Majesty's Government, in treating of the affairs of

Denmark, had sent remonstrances and written letters to the various powers; but those remonstrances had been disregarded, for Austria and Prussia had treated the matter with a high hand. What course, then, were the Government prepared to adopt? Were they to submit tamely to this aggression? If they did, such a course of conduct would be inconsistent with the pledges given to Denmark. The noble Lord at the head of the Government had announced that a despatch, which was afterwards read, had been received from Prussia, announcing that Prussia and Austria would guarantee the independence of Denmark. He (Mr. Duncombe) did not think that a satisfactory despatch. It was all very well for these nations to say they would maintain its independence, while, at the same time, they were invading its territories. Schleswig was no part of the Germanic Confederation, and if Denmark entered into any engagement respecting Schleswig in 1851 such an engagement was made under a threat, and it would not now be consistent with the independence of Denmark to require them to give way to the Germanic Powers on this question of Schleswig. It was impossible for England to maintain its place among the nations of the world if they were subjected to their present humiliation; and the only way to restore its relations to a proper footing would be to adhere to the faith of treaties, and at a sacrifice to maintain the independence of nations.

Address *agreed to*:—To be presented by Privy Councillors.

LORDS COMMISSIONERS' SPEECH.

The Lords Commissioners' Speech to be taken into consideration on *Monday* next.

PRINTING COMMITTEE.

Select Committee *appointed*, "to assist Mr. Speaker in all matters which relate to the Printing executed by Order of this House, and for the purpose of selecting and arranging for Printing, Returns and Papers presented in pursuance of Motions made by Members of this House:"—Sir John Pakington, Sir Francis Baring, Mr. Walpole, Mr. Henley, Mr. Cardwell, Mr. Sotheron Estcourt, Mr. Bonham-Carter, Mr. Divett, Mr. Gaskell, Sir Stafford Northcote, Mr. Greene, Mr. Peel, The O'Conor Don, and Mr. Hastings Russell.—Three to be the quorum.—(*Mr. Hastings Russell.*)

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS) COMMITTEE.

Standing Committee *appointed*, "to control the arrangements of the Kitchen and Refreshment Rooms, in the department of the Serjeant at Arms attending this House:"—Colonel French, Mr. Bentinck, Lord Robert Montagu, Mr. Dalglish, Colonel White, Mr. Onslow, and Mr. Alderman Rose.—Three to be the quorum.—(*Colonel French.*)

RENTS (IRELAND) BILL.

Bill to facilitate the redemption and extinguishment of Rents in Ireland, *ordered* to be brought in by Mr. Longfield, Mr. Leader, and Sir Colman O'Loghlen.

LANDED PROPERTY IMPROVEMENT (IRELAND) ACT AMENDMENT BILL.

Bill for the amendment in certain particulars of "The Landed Property Improvement (Ireland) Act, 1860," and to encourage Agricultural Improvements in that Country, *ordered* to be brought in by Mr. Longfield, Mr. Leader, and Sir Colman O'Loghlen.

House adjourned at a quarter before Nine o'clock till Monday next.

HOUSE OF LORDS,

Monday, February 8, 1864.

Their Lordships met, and having gone through the business on the paper without debate,

House adjourned at a quarter past Five o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, February 8, 1864.

MINUTES.]—New Writ Issued—For Brighton *v.* William Coningham, esquire, Manor of Northstead.

Select Committees—Railway Schemes (Metropolis); Railway Companies' Powers; Controverted Elections (General Committee).

Committee—Sir John Lawrence's Salary *considered.*

Public Bills—*Resolution in Committee*—Malt for Cattle.

Ordered—Collection of Taxes.

First Reading—Rents (Ireland)* [Bill 1]; Landed Property Improvement (Ireland) Act Amendment* [Bill 2]; Judgments, &c., Law Amendment* [Bill 3]; Insane Prisoners Act Amendment [Bill 4]; Conveyancing, &c. (Ireland)* [Bill 5].

COURT MARTIAL ON COLONEL CRAWLEY.—MOTION.

Mr. D. FORTESCUE said, he rose to move an address to Her Majesty for a copy of the proceedings of the late Court Martial for the trial of Colonel Crawley.

General PEEL said, he wished to ask the hon. Member for Andover, whether he intended to found a Motion upon these papers; and, if so, whether he would give early notice of its terms?

Mr. D. FORTESCUE said, that when the proceedings were produced he should make a statement upon them, and conclude it with a Motion for papers. He would give early intimation what were the papers he intended to ask for.

Motion *agreed to.*

SOOCHOW.—QUESTION.

Mr. W. E. FORSTER said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is true that the town of Soochow in China has been taken from the Taepings by help of Her Majesty's officers employed by the Imperialists with the sanction of Her Majesty's Government; whether, also, the Imperialists were aided by supplies from Her Majesty's arsenals; and whether the town thus taken was delivered over to pillage and massacre by the Imperialist troops, notwithstanding the protest and contrary to the pledge of the British officer in command; and, if so, whether any and what steps have been taken by Her Majesty's Government to withdraw their assistance to the Pekin Government?

Mr. LAYARD said, he was unable to give the hon. Member a very definite answer to his question. Her Majesty's Government had received information that the town of Soochow had been taken, and that an act of great treachery had been committed, but of the exact nature and extent of that act he was unable to inform his hon. Friend, as the only account he had seen of it was in the public newspapers. From the latest advices received from Shanghai, General Brown, who was about to leave that place for Hong Kong, had delayed his departure in order to make full inquiries into what had taken place at Soochow, and he hoped soon to receive such information as would enable him to give a complete answer to his hon. Friend's question. In the absence of definite information, of course Her Majesty's Government were unable to state what steps it might be necessary for them to take.

Mr. W. E. FORSTER said, he would remind the hon. Gentleman that he had not answered the latter part of his question, Whether the town was taken by the assistance of British officers and supplies from Her Majesty's arsenals?

Mr. LAYARD said, that inquiries were about to be made into the circumstances. Of course it was well known to the House that Major Gordon, an officer in Her Majesty's service, had received permission to take service with the Imperial Government of China. With regard to the supplies, he was unable to answer that part of the question.

THE INCOME TAX.—QUESTION.

Mr. WARNER said, he rose to ask the Chancellor of the Exchequer, Whether he is aware that it has been found necessary in some cases to resort to a voluntary rate in order to provide for the collection of the Income Tax by parochial officers; and whether he will consider the propriety of adopting a more regular system?

The CHANCELLOR of the EXCHEQUER said, he was not quite certain if he understood precisely the meaning of the expression used by the hon. Member in his question when he spoke of a "voluntary rate." He was aware the collection of the Income Tax by parochial officers was in a state which called for the attention of Parliament, and in the statement he was about to make to the House at a later period of the evening it would be found that Her Majesty's Government had had their attention directed to the subject.

CHINA.—QUESTION.

Lord NAAS said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether any despatches have been received during the recess from Sir Frederick Bruce relative to the state of affairs in China; and whether the Government have received any official accounts of the proceedings of the Chinese force under the command of Major Gordon, of the Royal Engineers; and if so, whether he will lay them upon the table of the House; also, whether he will lay upon the table all the documents in possession of the Government relative to the dismissal of Mr. Lay from the service of the Emperor of China, and the withdrawal from the Chinese waters of the fleet lately under the command of

Captain Sherard Osborne of the Royal Navy?

MR. LAYARD said, that papers on the affairs of China in continuation of those laid upon the table of the House in the previous year, would be shortly presented to Parliament. With regard to Mr. Lay, Her Majesty's Government had no official information, and, therefore, they had no papers in reference to him which could be laid on the table of the House. With reference to the withdrawal of Captain Sherard Osborne's fleet there could be no objection to present those papers to the House if the noble Lord would move for them in the usual manner.

DENMARK AND GERMANY.—INTEGRITY OF DANISH MONARCHY.—QUESTION.

LORD ROBERT CECIL: I wish to ask the noble Lord at the head of Her Majesty's Government a question of which I have given him private notice—namely, If any explanations have been demanded from the Austrian and Prussian Governments with respect to the proclamations of the pretender, Prince Frederick Augustenburg, which have been made in the presence of the Austrian and Prussian troops in various places in Schleswig? If no such explanations have been asked, I wish to know if it is the intention of Her Majesty's Government to make such a demand? And I wish also to ask the noble Lord if he has received any official information to the effect that, in the opinion of the Prussian Government, the despatch which he read to us on Thursday night has no further validity after war has broken out?

VISCOUNT PALMERSTON: Sir, Her Majesty's Government have remonstrated with the Austrian and Prussian Governments upon the steps taken both in Holstein and Schleswig, under shadow of the protection of the Austrian and Prussian troops, to proclaim the Prince of Augustenburg as Duke of those two Duchies, such a proceeding being thoroughly inconsistent with the good faith that ought to have been observed by Austria and Prussia, admitting, as they do, the binding nature of the Treaty of 1852, which compels them to acknowledge the King of Denmark as Sovereign of all the States that were under the sway of the late King, and inconsistent with their declaration that they are ready to maintain the integrity of the Danish monarchy. The Prussian Government has stated, it is true, that it disapproves the proceedings in Schleswig, and that orders were to be sent from Berlin to set these matters right. With regard to what took place in Holstein, it must be remembered that Holstein was occupied by troops acting under the orders of the Diet, and, therefore, not under the immediate authority of the Austrian and Prussian Governments. The Prussian Government, moreover, has not denied the positive declaration that it abides by the Treaty of 1852, and is prepared to respect the integrity of the Danish monarchy. The latter part of the despatch containing this statement has been already detailed in another place—its meaning certainly is not very clear—but the conclusion which it implies is that, whatever questions may arise, the Prussian and Austrian Governments are prepared to discuss this question in concert with the other Powers, who were parties to the Treaty of 1852. For some time it was alleged in Berlin, that if resistance were made in Schleswig to the entry of German troops, and resistance led to conflict, that conflict would establish war, and war would put an end to treaties. In reply, we said that such would be a most preposterous doctrine, for if it were once established any strong Power, having an inconvenient treaty with a weak Power, would have nothing to do for the purpose of freeing itself from that engagement, but to make an unprovoked and unjustifiable attack, and then to say, "War has broken out, and war puts an end to treaties, and we, therefore, by our own unprovoked and unjustifiable aggression, have freed ourselves from the engagements into which we had entered." That is a doctrine which I am sure no Government that has any respect for itself, or any regard for the principles of good faith, could seriously uphold. It would be utterly disgraceful for any civilized country to stand on such a position. In answer to the last question of the noble Lord as to what has taken place, it is sufficient to say that the Prussian Government, since the commencement of these warlike measures, has informed us that it abides by the Treaty of 1852, and maintains the integrity of the Danish monarchy.

THE CONVICT TOWNLEY.

QUESTION.

LORD HENRY LENNOX said, he wished to put a question to the right hon. Gentleman the Secretary of State for the Home Department, which he had already asked him in the lobby, obtaining but a very unsatisfactory reply. A notice was standing for that evening in the name of the right hon. Gentleman relative to the introduction of a Bill which was understood to have been necessitated by the recent escape from justice of the convicted murderer Townley. On Friday night the Under Secretary of State moved for papers connected with the Townley case, and as he understood these could not be in the hands of hon. Members for some days, he appealed to the right hon. Gentleman not to prejudge the case by any statement until the papers had been produced.

Sir GEORGE GREY said, he hardly understood the Question which the noble Lord had put to him. He had felt it his duty to give notice at the earliest day of a proposal to correct what he believed to be a serious defect in the law, and he should, therefore, ask leave to bring in the Bill for the purpose that evening. In the course of his introductory statement it would be necessary to refer to the Townley case, but he should have occasion to allude very slightly to the Correspondence which had been moved for. There would be ample opportunity for comment, either on the second reading of the Bill, or upon a substantive Motion, when the papers were produced.

LORDS COMMISSIONERS' SPEECH.
MOTION OF SUPPLY.

Lords Commissioners' Speech *considered*, and again read by Mr. Speaker.

Motion, "That a Supply be granted to Her Majesty :"—(*Mr. Peel.*)

THE MILITARY ESTABLISHMENT.

Mr. BENTINCK said, that he did not rise for the purpose of opposing the granting supply to her Majesty, but to do what was almost as difficult a task —that of obtaining a direct answer to a question put to the Treasury bench. On a very recent occasion he put two questions to the noble Lord at the head of the Government, and he was not fortunate enough to be able to extract an answer. The first question which he put was with reference to what, he admitted, was only a rumour, but one which from the best information he could obtain had so much foundation that, if true, he was sure it would fill not only the House but the country generally with astonishment and consternation; and he, therefore, took the earliest opportunity of endeavouring to obtain a denial of its correctness. The rumour to which he referred was that it was the intention of Her Majesty's Government to propose a reduction of the military establishments of the country, and not only did the rumour say that such was the intention of the Government, but it went on to say that the proposed reduction was in the artillery force. So far as he could learn, there was no military man in that House who would not admit that the artillery force was the branch which required the longest time to bring to a state of efficiency, and therefore it was the one which it was the most inexpedient to reduce. But without going into details of that kind, the first question he had to ask was, Whether or not, in the critical aspect of affairs in Europe, it was the intention of Her Majesty's Government to make any reduction in the military forces ? The second question, which he also put on a former occasion, was of a more comprehensive character, and one which the noble Lord would probably tell him must be answered by the progress of events. There might be some truth in that view of the case if the noble Lord thought fit to urge it. It was in the recollection of the House, that in the course of the present Session discussions had taken place as to whether it was the duty of this country, either on a point of honour or interest, to embark in the struggle now going on in Denmark. The noble Lord had given them no information on that subject, nor had he thought right to assure them that there was no probability or no possibility of the country being involved in war. They were therefore bound to assume that circumstances might occur which, in the opinion of the noble Lord and his Cabinet, would compel them to embark this country in war. With such a probability hanging over them he was justified in asking the noble Lord whether, in his opinion, the military force in the country was such as in reason and common sense would justify our embarking in such an undertaking ? It might be said that in all foreign countries armies were on a peace establishment, but they could be raised to a war strength in a few days; whereas with us it took months, almost years, to make up the war establishment. Remembering the enormous sacrifices of men and money entailed upon us during the Crimean war by our utter want of preparation, he hoped the noble Lord would declare that such an event was not likely to occur again. He was aware of the weight attaching to the noble Lord's opinion, but if it should differ from his own, it would give him and others the opportunity of raising the question on some future occasion.

VISCOUNT PALMERSTON:—Sir, I think that the first question which the hon. Gentleman has asked me might as well have been postponed for a day or two, until the Army and Navy Estimates are laid upon the Table, because they will show what is the amount of military and naval force which Her Majesty's Government think it expedient and proper to ask the House to vote for the present year. But I can so far assure the hon Gentleman that the consternation which seems to have pressed so much upon his mind, arising from the notion that there is to be a great reduction of our naval and military force, may be dispelled. Because, although we hope to make some reduction in the charges connected with the army and navy, there will be no material reduction of military force, beyond that which is the natural consequence of the transfer of the Ionian Islands to the kingdom of Greece. With regard to the other part of the question, which calls upon me to perform the part of a prophet, I really must decline that office. I am very sorry I cannot give him a plain and positive answer, such as he desires. But it is not the habit, and it is very undesirable that it ever should be the habit, of Her Majesty's Government to state prospectively what course they will advise the Crown or this House to sanction under circumstances which have not yet happened. The future is a closed book, and those who attempt to read it very often find themselves mistaken in their interpretation. But I am quite persuaded that if, under any circumstances, it should be the opinion of the Government, supported by Parliament and the country, that any great effort should be made, either military or naval, the resources of the country and the spirit of the country will never be found unequal to the occasion. And, therefore, the hon. Gentleman may rest confident, that whatever future circumstances may require, the country will be always able to find the means of answering those requirements. But I must decline stating what the course of Her Majesty's Government will be with regard to events which have not yet happened. We are perfectly free, and shall remain so, but, of course, it will be the duty of the responsible advisers of the Crown to form an opinion upon matters when they arise, and not before they arise.

Motion *agreed to*; Committee thereupon *To-morrow*.

SIR JOHN LAWRENCE'S SALARY.

RESOLUTION.

Sir John Lawrence's Salary *considered* in Committee.

(In the Committee.)

SIR CHARLES WOOD said, that very few words were necessary to explain the Resolution he had to propose. By an Act of Parliament passed in 1833 it was enacted, that if the Governor General of India, or the Governor of a Presidency, or a Member of Council was in receipt of a place, salary, or pension, his salary should be reduced by the amount of that salary or pension. Since the passing of the Act, however, exceptions had been always made in favour of individuals in receipt of pensions granted in recognition of special services. Lord Hardinge, when he was Governor General of India, had a pension conferred upon him by the East India Company for his services in the first Sikh war, and a special Act of Parliament was passed, with the unanimous concurrence of the House, enabling him to receive the full emoluments of Governor General of India, together with the pension. The case of Sir Henry Pottinger was similar. He was in the receipt of a pension for special services in the East, and when he was appointed Governor of Madras, he was, nevertheless, permitted to receive the full salary of Governor of Madras and his pension also. These were the only two instances in which any of the offices specified in the Act of 1833 had been held by persons in the receipt of pensions for special services, and he proposed to follow the precedents thus established. The House was aware that the career of the late Governor General of India had been prematurely terminated, and that India had been deprived of the services of Lord Elgin just when he was becoming well acquainted with the country, and when he was proceeding on most important duties to the upper part of India. The moment he found himself unable to discharge his duties, Lord Elgin's first thought was to apprise the Government at home of his state, and to request that a successor might be appointed. He (Sir Charles Wood) had no hesitation in recommending Sir John Lawrence to Her Majesty for the Governor Generalship of India, and within two days from the receipt of the intelligence from India, he was authorized to offer the high post to Sir John Lawrence. He accepted it at once, and, knowing the importance of despatch, he showed the same zeal for the service of the country which had always distinguished him, by declaring himself ready to leave this country for India by the first mail to Calcutta. The services of Sir John Lawrence were well known, and so universally recognised, that it would only be necessary to read the Resolution under which the pension in question was conferred upon Sir John Lawrence. That Resolution, passed at a meeting of the Court of Directors, August 11, 1858, and approved by a General Court of Proprietors, August 25, was as follows:—

"Resolved unanimously, that in consideration of the eminent services of Sir John Laird Mair Lawrence, G.C.B., whose prompt, vigorous, and judicious measures crushed incipient mutiny in the Punjaub, and maintained the province in tranquillity during a year of almost universal convulsion, and who by his extraordinary exertions was enabled to equip troops and to prepare munitions of war for distant operations, thus mainly contributing to the recapture of Delhi and to the subsequent successes which attended our arms, and in testimony of the high sense entertained by the East India Company of his public character and conduct throughout a long and distinguished career, an annuity of £2,000 be granted to him."

It would only be fair to add that Sir John Lawrence, in accepting the Governor Generalship of India, vacated his seat in the Council of India, and the salary of his office, and sacrificed the quiet and tranquil enjoyment of domestic life in order to perform the duty to which he was called. The least, therefore, that the House of Commons could do was to pass a special Act, according to the practice in such cases, enabling Sir John Lawrence to receive the full amount of the salary of Governor General together with the pension awarded him by the East India Company for special services. It was hardly necessary to refer to the fact that Sir John Lawrence was the younger son of an officer in the British army; that he had raised himself to his present high position unaided and unassisted by any extraneous influence, and entirely by the force of his own character and abilities. He would, therefore, conclude by moving a Resolution.

That it is expedient to enable the Right Honourable Sir John Lawrence, baronet, G.C.B., to receive the full amount of the Salary of the Office of Governor General of India, notwithstanding his being in receipt of an Annuity of £2,000 granted to him by the East India Company as an acknowledgment of his distinguished Services.

Sir Charles Wood

LORD STANLEY: I apprehend that there will be no difference of opinion on any side of the House upon this Resolution. I rise merely to express my entire concurrence—having been connected with Indian affairs during part of the time when the services of Sir John Lawrence were performed—in the proposition of the right hon. Baronet. The pension granted to Sir John Lawrence by the East India Company was not a retiring pension, but was a recognition, and a very inadequate recognition, of services as distinguished as had ever been performed by a public servant in India. The Governor-General of India was well paid, but it certainly would not be just that Sir John Lawrence should lose this reward simply because he has undertaken an office which is one of the most arduous that could ever devolve upon any man.

COLONEL SYKES said, he could not permit that opportunity to pass without expressing his heartfelt gratification at the proposition of his right hon. Friend. It was, moreover, creditable to the Government that they had selected Sir John Lawrence, considering that the Viceroyalty of India was such an object of ambition to the great families of this country. The East India Company's service had produced some of the most distinguished men in the annals of British history, such as Clive, Malcolm, Elphinstone, Ochterlony, the two Lawrences, and many others; men who, entering the civil and military services as boys, by the force of their character and talents raised themselves to high stations unaided by interest. He heartily wished he could see, under the altered circumstances of the Indian Administration, the same prospect of obtaining high-minded, intelligent, and able men for the Government of India. Shortly the remainder of the East India Company's servants would be extinct; and he much feared that they might have governors-general of India very unlike Sir John Lawrence, who would have so little knowledge of the country as to suppose its inhabitants to be a homogeneous nation, instead of consisting, as they did, of twenty-one different nations and languages, and whose legislation would be influenced by European ideas, instead of being adapted to the habits and sympathies of the people.

Motion *agreed to:*—Resolution to be reported *To-morrow.*

MALT FOR CATTLE.—RESOLUTION.

Malt for Cattle—Acts *considered* in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER: Sir, the House is well aware that the subject of the operation of the malt duty in restricting the employment of malt for the feeding of cattle has long been a matter of serious complaint, great controversy, and great interest. There are, I think, authorities of great weight and intimately conversant with agricultural affairs, who are of opinion that the matter is not of great practical importance, and that it never will be found gainful to make an extended use of malt in the feeding of cattle, even if the occasional use of it should be expedient. But, on the other hand, there are many who do not hesitate to say that they have made trial, and judging by the effect upon their own interests they are well satisfied with the result. Now, whatever be the truth of this question, it is very desirable we should get at it. If it be the effect of the malt duty to restrict and, indeed, prevent the employment in the feeding of cattle of a material really useful for that purpose, it is impossible to conceive a heavier charge or greater objection to any tax levied under the authority of Parliament. If, on the other hand, that material be not of great importance for that particular object, it is certainly much to be desired that the minds of those interested in the subject should be satisfied and enabled to arrive at a right conclusion. At different periods experiments have been made under the authority of the Government, in order, if possible, to arrive at a clear conclusion; but, whatever may have been the result of those experiments, I do not think that perfect satisfaction would be given to the persons interested if the matter were allowed to rest there. It is, therefore, with great satisfaction I have found that the authorities of the department of Inland Revenue have arrived at the conclusion that it may be in our power, without any serious risk to the great revenue dependent upon malt, and without imposing any onerous or vexatious restrictions, to bring the matter to issue in the broadest and freest manner by authorizing the erection of malthouses where malt should be made free of duty for the exclusive purpose of feeding cattle. I anticipate no objection to the introduction of this plan, and, undoubtedly, I should be exceedingly well pleased if it be found that the most sanguine expectations of those who have recommended the employment of malt should be fulfilled, because the effect of the measure in that case would be—first of all, a vexatious restriction would be taken out of the way of legitimate trade; and, secondly, a very important addition would be made to the materials and resources of one of the most extensive classes of British producers. The provisions of the Bill will speak for themselves. Of course we cannot permit that malt should be made duty-free for the feeding of cattle in the same premises as malt for purposes of brewing. That would be attended with difficulties entirely insurmountable in the levying of one of the most important branches of the public revenue. Therefore, separate premises will be required. The great security, however, to which we look, and it is the only important restriction imposed by the Bill, is that the malt to be used for the feeding of cattle shall be mixed with linseed meal or cake in the proportion of at least one-tenth of the weight. That restriction can, I think, in no case operate as a sensible burden, and we have arrived at the conclusion that it will be a sufficient protection to the revenue, inasmuch as it will effectually prevent the employment of the same malt by the brewers. The matter being one of an experimental character we propose, as I have often found the most convenient course in such matters, that the Bill in the first instance should be only for a limited period—namely, for two years from the passing thereof and until the end of the next Session of Parliament—that is to say, for somewhat more than three years. That will give a fair opportunity for trying the effects of the measure, and, if necessary, for introducing amendments before it receives the final sanction of Parliament. I beg leave to move—

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to allow the making of Malt Duty-free to be used in feeding Cattle."

SIR FITZROY KELLY said, he must congratulate the House and the country upon the appearance of the first legislative measure in the slightest degree favourable to the agricultural interest during the last thirty years. Whatever difference of opinion there might be, even at that distance of time, upon the subject of the repeal of the Corn Laws, there would be none upon this—that the right hon. Gentleman and the Government were entitled to the thanks of all interested in the agriculture of the country, for having thus given an opportunity of testing the matter in dispute. A great number of persons, uninfluenced by philosophic or scientific principles, who had applied their capital to the subject, maintained that the use of malt in the feeding of cattle would tend greatly to the advantage of the agricultural interest. He had been told that the Government had directed certain experiments to be made as to the ingredients or materials to be used in the feeding of cattle, and the expense of such experiments. He had been informed through the courtesy of the President of the Board of Trade, that those experiments had gone to some length. He would urge upon the Government to continue them, as of the utmost importance to the public in general, and as a great boon to the agricultural portion of the community. He might remark, however, that the limitation of the operation of the Bill to three years would, in his opinion, be found inconvenient. For so short a period it would hardly be worth the while of any one to erect buildings for the express purpose of malting in order to carry out merely an experiment.

Colonel BARTTELOT said, he did not rise to oppose the motion, but to express a hope that it was not brought forward as a substitute for a reduction of the Malt Duty. If it were so brought forward, it would not satisfy the agricultural interest. As a body, they felt deeply interested in the Malt Duty, because they had felt it as a most oppressive burden for a considerable time. It was almost impossible that wheat, at existing prices, could be grown to pay a remunerative price; but as barley might, the agriculturists hoped to see it freed, as far as the finances of the country permitted, from that most obnoxious tax with which it was burdened when made into malt. The farmers, therefore, were not prepared in any way to relinquish their efforts to get some reduction of this tax, with a view to its ultimate repeal.

Sir EDWARD DERING thought that the Bill was likely to give universal satisfaction to the country, and that it would be advantageous to others besides the agriculturists, for, considering what had been the prices of meat for the last few years, he conceived that the proposed measure was as much in the interest of the consumers as the producers. But he had risen to ask the Chancellor of the Exchequer a question. The right hon. Gentleman had spoken of the erection of buildings for the exclusive purpose of malting barley for the feeding of cattle. Now, in the county with which he had the honour of being connected, as well as in the adjoining county of Sussex, there were many buildings at present used only for drying hops, but which were equally well adapted for malting barley, and he wished to ask the Chancellor of the Exchequer whether those who possessed what were called "oast houses" would be at liberty, under the provisions of the proposed Bill, to make use of them for the purpose of malting for their own consumption.

Mr. SCLATER-BOOTH said, he wished to take the opportunity of re-echoing what had fallen from his hon. Friend behind him (Colonel Barttelot). He trusted that the proposed measure would not have the effect of preventing a future discussion on the repeal of the malt duties. At the same time he must admit that, as far as it went, the growers of barley ought to feel indebted to the right hon. Gentleman the Chancellor of the Exchequer for having taken into consideration the subject he had brought to the attention of the House. He could not help thinking that if inferior barley could be malted for cattle it would prove beneficial to the farmers. He trusted, however, that the provisions of the Bill respecting the erection of malt-houses would receive some enlargement, or else, in thinly-populated districts, where capital was scarce, no persons would embark in the erection of such buildings for so short a period as two or three years. He therefore trusted that the existing malting-houses might, with due restrictions, be made available for the purpose, and, if so, the measure would be productive of real benefit.

Mr. FENWICK said, that, provided malt was better food for cattle than barley, then he was prepared to concur in the statement of the hon. Member for Kent that the proposed measure was a boon not only to agriculturists but also to the consumers. The question, however, was not a new one, but had been before the country for the last thirty years. A Commission, consisting of Dr. Lyon Playfair, Dr. Thomson, and Mr. Thompson, was appointed in Scotland to consider the subject; and after a variety of experiments the Commission came to the conclusion that barley, in being malted, lost a portion of its valuable properties, and that raw barley was a better material for feeding cattle than malt. He warned the Chancellor of the Exchequer that by the proposed Bill he was merely doing something calculated to lead astray the agricultural mind. The measure would, it was to be feared, open the door to great fraud, and the farmhouses of England would become, in a great many instances, the scenes of illicit distillation.

SIR BALDWIN LEIGHTON said, he presumed that the malting-houses now at work would be allowed to make malt for the purpose of feeding cattle, for no persons would erect special buildings merely for a term of two or three years.

MR. DUTTON said, he approved of the Bill as far as it went. He hoped the experiments would be conducted in such a clear and simple form as would make them conclusive on the disputed point as to the value of malt for the feeding of cattle.

MR. BENTINCK said, he wished to know a little more about the Bill before he did that which he felt inclined to do—namely, thank the Chancellor of the Exchequer for introducing the Bill. According to its provisions, as he understood them, in order to protect the revenue against fraud, the malting of barley for cattle-feeding would have to be carried on in a building separate from that in which barley was malted for brewing, and the Bill was to last for three years. But was it right to require the erection of special buildings for such an experimental purpose? Supposing it should turn out at the end of the three years that the system was a failure, all the expense would be thrown away. However, he would congratulate the Chancellor of the Exchequer on his having at last condescended to turn his attention to the interests of agriculture. He agreed with his hon. Friend behind him, that the Bill must not be taken as a substitute for the reduction or repeal of the malt duties. At most it should only be taken as an instalment of the large measure of justice which had so long been due to the great body of agriculturists. The agriculturists would have no attention paid to them till they bestirred themselves; but if they were persistent in their claims the Government would be obliged to attend to them, and they would obtain that justice with respect to legislation which the demands of other classes had put in their possession.

MR. BASS said, that having felt a deep interest in the question, he had given it a good deal of consideration, and his conviction was that no one would erect offices for the special purpose in question, unless with a view at the same time to illicit operations. As to the mixing, brewers must be very much maligned, indeed, if they never put worse things in their beer than linseed. Notwithstanding the progress of the teetotal principles advocated by his hon. Friends behind him and the general dislike to adulterations, he suspected there would be found plenty of labourers in charge of cattle who would be glad of beer from malt, even though one in ten of linseed were mixed with it. It seemed to him that agriculturists were disposed rather to repudiate the concession and to go against the duty as a whole. If the duty generally were abolished, then the revenue would run no risk, but he was satisfied that if malt were allowed to be dried in this way, however it might be mixed with cattle food, the revenue would suffer. Without entering into the question of the relative merits of malt and barley for feeding purposes, he must remind Members that, at present, farmers were at liberty to malt barley for that object, on giving notice to the Excise and observing certain restrictions. He had recently entered into correspondence with some of the highest authorities on this question; and he had received a letter from Baron Liebig, stating that the drying of malt, that was of barley already germinated, instead of adding to its value as food, would rather diminish it.

MR. NEWDEGATE was glad that the Chancellor of the Exchequer had considered the subject before the House; when he recently attended a county meeting, convened for advocating the repeal of the malt tax, he considered it his duty to intimate to that meeting that he, for one, in the present position of affairs, was not prepared to sacrifice so large an amount of revenue as £6,000,000. He joined however with other hon. Members in thanking the Chancellor of the Exchequer for meeting one of the demands of the agriculturists. The hon. Member for Derby (Mr. Bass) seemed to doubt whether malt was an advantageous material for the feeding of cattle; he (Mr. Newdegate) although at one time sceptical had become a convert to the opinion that it was so—a convert not upon a theory, but from the experience of his own neighbours. Many of the agriculturists in the Midland counties, stimulated by the competition which had been excited by agricultural exhibitions, had tried the experiment of feeding cattle with malt, and he had their authority for saying that their experiments, made not merely for scientific purposes, but for the purpose of producing the best animal in the best condition, had convinced them that malt was a most valuable article for the purpose. It was a long time before he became a convert to that opinion, but he could not withstand the evidence which had been brought before him by his personal friends, whose testimony he could not doubt, and whose experience had been most ample. He trusted therefore that the measure proposed by the right hon. Gentleman would have the effect of satisfying one portion of the requirements of the agriculturists; but whether it would remove their objections to the malt tax entirely he was unable to say. But he thought the proposal was a fair one, and it would be received in that sense by the agriculturists. At the same time he wished to guard himself as being taken to express any opinion as to the efficacy of the measure. He should not like to place his opinion in competition with that of the hon. Member for Derby, who was a high authority on this part of the subject, as to whether the revenue would be duly secured; but he felt that it was well worth the while of the House to make some attempt to remove the complaints of the agriculturists, which were valid in this respect, that amongst all the trades and all the pursuits carried on in this country theirs alone was subjected to excise restrictions, which not only intercepted their profits but interrupted the due course of the business from which they derived their livelihood.

Mr. CAIRD said, he was very glad that the Chancellor of the Exchequer had found it in his power to grant the proposed boon to the agriculturists. At the same time, he did not think it would be regarded as at all doing away with their just claims to have the whole subject of the malt-tax considered. His hon. Friend the Member for Derby (Mr. Bass), having unintentionally misled the House, in some degree, as to Baron Liebig's views, had kindly given him permission to read the whole letter of that eminent man. It ran as follows:—

"Munich, July 6, 1863.

"In forming a judgment on the feeding properties of malt, when given to horses, cattle, and sheep, it is obvious that in comparing it with barley we must not lose sight of the fact, that there is a larger amount of nourishment in barley than in the malt manufactured from it; for in the process of malting, barley suffers a loss in weight amounting to from 7 to 11 per cent of dry substance. The 'rootlets' constitute 3 to 3½ per cent of this loss, and as they contain a pretty large quantity of blood-forming (nitrogenous) matter (25 to 30 per cent), the grain, by their separation from it, undergoes a loss of one of its nutritive elements. Hence it is clear, that if in practice the feeding qualities of malt are found to be greater than those of barley, this can only arise from the circumstance that the nutritive matter contained in malt is present there in a more soluble, more digestible state than in barley; and that, therefore, in feeding with barley more nutritive matter leaves the body in an undigested state than in the case when an equal weight of malt is used as food. There can be no doubt whatever that in malt blood-forming matter is contained in a more soluble form than in barley; for the process of malting occasions a loosening of the component parts of the grain in so great a degree that 100 volumes of dry barley yield (notwithstanding the loss of weight) 112 to 114 volumes of dry malt. Such a loosening of the inner parts of the grain, thus enabling the gastric juice in the animal body to penetrate it more easily and thoroughly, is not to be attained in a like degree by a mechanical process. The comparative analysis shows finally that the amount of readily soluble blood-forming elements in barley is 1¼ per cent, and in malt 2·2⅛ per cent. By the process of drying in the kiln, a part of the soluble blood-forming elements is rendered insoluble, and from this it cannot add to the feeding capabilities."

He (Mr. Caird) might add, in reference to what had fallen from the hon. Member for Sunderland, that the experiments made in Scotland in 1862 were of a most limited and restricted character, being confined to two or three cows only, and therefore could not be regarded as a settlement of the question.

The CHANCELLOR of the EXCHEQUER: I do not now enter into the important question, whether the Bill will be received by the farmers with disappointment or satisfaction. That is entirely beyond my view. I think, however, that the letter just read by my hon. friend from so high an authority entirely justifies the Bill. It may be that after all there will be disappointment, but there is at least a sufficient amount of uncertainty about the matter to give the English producers a fair right to have the experiment made, provided it can be done without danger to the revenue. My hon. friend the member for Derby (Mr. Bass) is persuaded that there will be a great risk in that respect. Well, the securities I propose are twofold—separate buildings, of course under the inspection of the Revenue Department, and the mixture of the malt with linseed. Although I do not consider myself as competent to give an opinion on the subject, I have such a degree of confidence in those charged with the administration of the Department of Inland Revenue that I feel fully warranted, without any misgivings, in recommending to the House the adoption of this experimental Bill. I fear I somewhat misled the House as to the question of time. Instead of speaking only of the erection of malthouses—I should have said, " the erection or adaptation of malt-houses." My idea is that the premises must be separate, and that the mixture with linseed must also be compulsory, for we can have no security whatever for the revenue unless these conditions are enforced. But there is no reason why the malthouses should necessarily be new. The number of maltsters, it is well known, has diminished, and there are many premises now unused which might be adapted to the purpose. With regard to the observations of the hon. member for East Kent (Sir E. Dering), the question is of too technical a kind for me to give an opinion on it at the moment. I do not, however, see why any premises now applied to other operations may not be also available for this purpose, provided, of course, that they are not connected with malting or calculated to affect the duty. I think that there is reason in what has been said as to the shortness of the time allowed in the Bill, and I, therefore, propose to double the term of three years—that is, to insert five years in the Bill, and to make it expire at the end of the then next Session of Parliament. Of course if any case of gross abuse or difficulty shall arise, the Government will not be precluded from applying to Parliament for an amendment of the measure.

Motion *agreed to.*

House *resumed.*

Resolution *reported.*

Bill *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Mr. PEEL, and Mr. HUTT.

In reply to Mr. BASS,

The CHANCELLOR of the EXCHEQUER stated that persons operating under the Bill, like any other maltsters, would come under the general law with respect to the payment of licenses.

Sir E. DERING inquired, whether he was to understand that a person making malt for his own use must take out a licence?

The CHANCELLOR of the EXCHEQUER replied that the Bill did not contemplate such cases. It applied only to persons making malt for sale.

COLLECTION OF TAXES BILL.

MOTION FOR LEAVE.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have now to ask leave to introduce another measure, which is not without its importance, as bearing upon the comfort and convenience of various classes of persons, and likewise upon the interests of the State and of the revenue. The House will remember that, from time to time, we have had conversational discussions upon the subject of the administration of our laws with respect to the collection of what are called the Queen's taxes through the medium of a voluntary agency. In that voluntary agency are included four different descriptions of persons—first, the Commissioners appointed by Act of Parliament in the various districts of the country, each set of Commissioners having exclusive jurisdiction within its own district; secondly, the clerks to these Commissioners, to whom they look as their legal advisers; thirdly, the assessors, whose business it is to perform the preliminary process of bringing persons under taxation; and, fourthly, the collectors, whose business it is to obtain from the taxpayers the sums which they have become liable to pay. With respect to the first two of these classes, so far as I am concerned, I regard them as permanently established; and not only so, but I conceive that the establishment of such local officers is of almost indescribable value and importance. I very much doubt, indeed, whether it would be practicable to levy some of our direct taxes —the income-tax in particular—if it were not for the extremely valuable assistance which the Government derives from the gratuitous labours of the Commissioners in all parts of the country. Therefore, I need not say that the Bill which I propose to introduce does nothing whatever towards shaking or impairing the jurisdiction of these bodies, nor indicates any disinclination to the continuance of that jurisdiction. The third class is the assessors, with respect to whom I do not take precisely the same view; on the contrary, I think it may be open to consideration, at a fitting period, whether it is expedient that the whole of the assessments for direct taxation should be made by Queen's officers or by local officers. That, however, is a matter upon which I do not profess to have a positive and formed opinion ; it is a matter in which there is no great or serious evil calling for redress ; and it is a matter which I do not propose in any manner to touch by the present Bill. The Bill, then, has exclusive reference to the class of collectors, and to the business of the collection of taxes; and it aims, subject, however, to certain important restrictions, at establishing in England the system which is at present in operation both in Ireland and Scotland, which, with respect to Ireland, I believe works well, and which with respect to Scotland I may say I know works exceedingly well, and to the satisfaction both of the persons responsible for the collection of the revenue, and of the community at large. Although the Bill might fairly be called a theoretical improvement upon the present system, yet it is not a mere theoretical improvement, for it aims at the removal of certain serious inconveniences—inconveniences which sometimes amount to positive grievances.

There is, in the first place, the grievance of parishes. The collectors of taxes at present are local officers ; but, although they are local officers, they are not popularly elected. They derive their nomination immediately from the assessors ; the assessors derive their nomination from the commissioners ; and the commissioners derive their jurisdiction from Parliament. Therefore, the taxpayers in a parish, as a body, have no immediate connexion with the appointment of the collectors ; but, nevertheless, inasmuch as collectors are purely local officers, and are not in any way under the control of the Executive Government, the law has of necessity provided that in case of default on the part of a collector, the parish shall be responsible; and, although I am happy to say—for I am not here to bring any general charge against the body of collectors—that cases of entire default are rare, yet, undoubtedly, when they do occur, they are of a very severe and onerous character. This is no mere abstract grievance, for cases have occurred in different parts of the country, sometimes in smaller parishes, sometimes in larger, where it has been necessary to take the same tax twice over from the community, in consequence of the default of the collector. The law being so severe, of course parishes make every effort to escape from it. Sometimes they endeavour to show a mixed liability, and to bring in the Revenue Department, directly or indirectly, as partly responsible for that default, even though it has not had anything to do with the appointment of the collector. This leads to difficulties of another class, because, wherever it can be shown that the Revenue Department is in any degree responsible, even indirectly, it is impossible for us to proceed to a measure so odious as would then be a second collection of the tax. There arises another public evil—namely, that we are obliged to take into our own hands the exercise of a jurisdiction as to what parishes shall be let off and what not, which is in itself of a very slippery character, and of which we wish to get rid. That is the grievance of the parishes.

The grievance of the taxpayers, individually and independently of their character as belonging to a particular parish, is that they have no hold over the collector. The collector may make a premature demand, or he may menace proceedings with regard to the collection of taxes. We have no power to prevent him, and it is difficult for a body constituted as are the local commissioners, only meeting at rare intervals, to exercise over their subordinate officers that kind of close and stringent supervision which ought to be exercised by somebody or other over all persons that are engaged in the collection of taxes. That is the grievance of the taxpayers.

The revenue has its grievance also, because though, as I have said, I have no reason to be dissatisfied with the conduct of the general body of collectors—on the contrary, I believe they do all that we can fairly expect from an ill-paid class of men —a class sometimes not highly educated, and never under the degree of control that ought to be applied to their office,—yet it naturally follows from the collection of taxes, often of a very small amount, by persons not officers of the Government, that the work is sometimes imperfectly done. In some cases, for example, a great deal of unnecessary delay is allowed, thereby increasing the risk of final default, and there is a want of punctuality in the collection which causes serious public inconvenience.

Lastly, there is the grievance of the collectors themselves. I doubt whether many hon. Members are aware how serious that grievance is. It is double ; first, it is difficult, with justice to the Exchequer, to give to the collectors in many instances a degree of remuneration that would make it worth while for them to undertake the office ; but, secondly, this is not a voluntary but a compulsory office on their part. They are compelled to undertake it, and cases of the most serious vexation often occur. Spite and revenge are motives which, I am happy to believe, lie at the bottom of but a small proportion of human actions; but sometimes there are individuals who will act even from such despicable motives as spite and revenge, and will inflict an inconvenience upon their neighbours because it is an inconvenience. Some of these individuals occasionally get appointed assessors, and there are cases where assessors have nominated particular persons to be collectors—that being a function placed in their hands by law—simply because they knew the office was one totally incompatible with the station in life of the parties selected, and with their personal convenience. Among the gentlemen who have been nominated collectors of taxes, the office being one in which personal service is expected, I find a general officer in the army, a retired barrister, merchants absent from home during the entire day attending to their businesses, the principals of grammar schools, the captain of a merchant vessel, and, lastly, a lady. It is a fact also that assessors have sometimes nominated persons of great age, who have long retired from business. That is a serious hardship, and one which it is surprising has been tolerated so long. Of course, general officers and masters of grammar schools do not give up their military or educational pursuits when they are nominated collectors of taxes; but they pay substitutes, and in that way are obliged to make themselves criminal in the eye of the law for not performing a duty that ought never to have been laid upon them. That is a state of things which it is not desirable should be continued. These are, I think, ample grounds to justify an attempt to improve the present state of the law. At the same time I have always been of opinion, that it would be very unwise to force an extensive change in the state of the law against the will of the local communities, even though that change might in certain respects be an improvement; and I have given more than once the double pledge—first, that if the Government attempted to legislate on the question they would do so with ample notice; and, second, that in whatever they did, they would act with great regard to the free agency and assent of the local authorities throughout the country. These pledges I hope to redeem by the present Bill. As respects the question of notice, that is simply a matter of procedure, and I propose, if the Bill is allowed to be brought in, to place it in the hands of hon. Members to-morrow or next day, and to fix the second reading for an early date, because I do not think that on that stage there is likely to be any dispute. Then I propose that a month or six weeks should intervene before we take the Bill into committee, that all who are interested in the measure may have an opportuuity of fully considering its provisions.

With regard to the other point, I have said that I think a Bill of this kind ought to depend as far as possible on what may be called voluntary operations. To give effect to this view we provide that it shall be in the power of the Department of Inland Revenue to give notice, in any county or any place where there are Parliamentary Commissioners with exclusive jurisdiction, that they propose to take into their own hands the collection of the Queen's taxes. That notice will be brought to the knowledge of the various Boards of Commissioners. An interval must then be allowed, within which the Board of Inland Revenue can take no further step; and we propose that if, for example, in any division of a county, within the time specified by the Bill, one-third of the number of Boards existing shall declare their dissent from the intention of the Board of Inland Revenue, it shall not be permitted to that department to carry its intention into effect. It is obvious that we cannot undertake to deal in every case with each Board of Commissioners singly. The Bill will require a very considerable change in the arrangements of the Inland Revenue Department; and it would not be possible for that department, without very great inconvenience and large public expense, to effect that change unless it were made over considerable districts. We therefore deal with the local unit of jurisdiction which Parliament itself has created; and if one-third of the Boards there do not dissent—that is, if two-thirds of them are presumably favourable to the plan—then it shall be put into operation. We also propose, in all cases where a district comes, as far as the collection of taxes is concerned, under the supervision of the Board of Inland Revenue, to make one other important change—namely, no longer to require that there shall be a personal call at the house of every taxpayer in order to obtain payment of his taxes, but to substitute for it the obligation to transmit to him a notice that the taxes will be payable at an office in the nearest market town. That is the system on which the collection of the taxes now rests in Scotland, and it is found to be in the highest degree economical and convenient. We all know that the visit of the collector as it now takes place is a most burdensome affair. He is not bound to give any notice when he will come, and when he does come probably his victim is not at home; or, if at home, he may not be in the humour, or may not happen to have the money, to meet the demand. We admit the importance of the change we propose in this respect; but we think it beneficial as regards the taxpayer, if we are to judge from the experience of two out of three of the divisions of the United Kingdom. I believe it will also realize a very considerable saving in the public establishments, and thereby relieve the taxpayer in another form. These, then, are the most material provisions of the Bill. It contains, however, other provisions, which I hope will contribute largely to the convenience of the taxpayer, particularly in relation to those parts of the law which now concern the making out of the assessments and the time of the appeals. The arrangements as to these points are at present very defective. But I will not attempt to explain verbally what the Bill itself will serve best to make clear, the subject being very dry and complicated. I trust hon. Members will take the pains to read the Bill, which is not of very great length. I have confined myself to the leading and fundamental provisions of a measure which I think deserves the favourable attention of the House. We are by no means moving in this matter without invitation and incitement from various parts of the country. We have received memorials from Clifton and other places, requesting us to take over the collection of the Queen's taxes. I am aware that there will be districts where the Commissioners will probably be against this change, and such districts probably will frequently be those in which the collectorships are most valuable. I do not complain of that; we do not wish to override the power of the local authorities, but we believe, from actual information we have obtained, that the majority of the Boards will be found friendly to the change. I therefore hope the House will be of opinion with the Government, that the time has come when the attempt may fairly be made to introduce a measure which I trust will be useful, beneficial, and economical. I will, therefore, conclude by moving for leave to bring in a "Bill to alter and amend the Laws relating to the collection of the Land Tax, Assessed Taxes, and Income Tax."

Mr. HENLEY said, he understood that the right hon. Gentleman did not intend to meddle with the assessors. He did not know what might be the practice in towns, but, in the country districts, the assessors were remunerated for their trouble—which was considerable and disagreeable — in making the assessment by being appointed collectors afterwards. He therefore thought it would be very difficult to get assessors to act if they were not to be paid. [The Chancellor of the Exchequer: We provide for that.] He would postpone giving any opinion on the general question till he had seen the Bill. But another point which struck him as material was how the notices for payment were to be served. Many of the taxpayers were assessed for very small amounts, and if the notices were to be served by post he was afraid that many persons might not get them.

Mr. HUBBARD said, he thought nobody would complain of the proposed alteration as regarded the land and assessed taxes, but the question of the income tax was one of a different character. The land and assessed taxes were in their nature permanent, but before the Bill passed which the right hon. Gentleman was about to introduce, there would be no income tax at all. The impost expired on the 1st or 5th of April next; and, therefore, the right hon. Gentleman was asking for leave to bring in a Bill for amending the system of collecting a tax which was to be raised by virtue of a law not yet passed. [The Chancellor of the Exchequer: There are arrears.] He objected in the strongest manner to a different and more stringent mode of collecting the arrears of the tax being adopted from that contemplated when the tax was temporarily imposed. Were they to infer that the income tax was to form an important feature in the next Budget, and re-appear as a permanent tax? The income tax stood in a different category from the other taxes, because it proceeded to a large extent on the principle of self-assessment. He thought it would be far more convenient if they knew what they had to pay, and to whom it should be paid, through one and the same Act. As regarded the income tax, at all events the question as to its collection had better be taken in connection with legislation on the tax itself.

MAJOR STUART said, he had to complain of the inconvenience to which small ratepayers were put by the great distance of the place of appeal. He resided within two miles of the town of Bedford, but one place of appeal was twenty miles away, without a railway, and the other seven or eight miles across the country. He believed that the same inconvenience existed in many other counties.

SIR BALDWIN LEIGHTON said, that the right hon. Gentleman had forgotten to mention the grievances of the local commissioners, who had often to deal with a set of collectors who were perfectly ignorant of their duties. He thought it would be a great boon to the rural districts to have collectors appointed and paid by the Government. But there was one change proposed which he did not approve. It would be a hardship on the taxpayer to require him to call at an office with the money instead of having the collector to make his calls as at present. That hardship was felt with regard to the Excise duty in his neighbourhood, where the farmers had to walk eleven or twelve miles to pay it. There might be a saving to the revenue from the proposed change, but undoubtedly there would be no saving, but rather an increased cost, to the public at large. He hoped the Chancellor of the Exchequer would not insist on that part of his scheme.

SIR HENRY WILLOUGHBY said, he believed there was not that unanimity in Scotland in relation to the matter that the right hon. Gentleman had intimated. There was, on the contrary, considerable difference of opinion on the subject. He hoped, therefore, the second reading of the Bill would not be taken without giving sufficient time to consider its principle. There could be no greater mistake than to pass the second reading lightly, and then discuss the principle on some subsequent stage.

MR. HADFIELD said, he wished to inquire if any provision would be made with regard to payments in anticipation. He would put the case of a tax paid for a whole year. The second half, being voluntary, remained in the hands of the collector; he wished to know at whose risk.

THE CHANCELLOR OF THE EXCHEQUER said, he was not aware that the payment of a tax by anticipation was known to the Inland Revenue. Wherever it was paid by anticipation, it was entirely a matter of local arrangement, under local authority, and might lead to considerable difficulties. It was certainly not desirable that the State should be in possession of any portion of the taxes before the time they were due, and still less desirable was it that those taxes should be in the possession of the collector. With regard to places of appeal, he thought it very far from desirable that Government should take into their own hand compulsory power for fixing them, because although they might be disposed to exercise it in the interest of the taxpayer, they might exercise it very inconveniently for the Commissioners, and probably without sufficient consideration. He sometimes received complaints from taxpayers that the places of appeal were inconveniently situated, and the course pursued was this—he immediately communicated with the Commissioners, and he invariably found every disposition to accommodate matters to the wishes and convenience of all parties. If the hon. and gallant Gentleman (Major Stuart) would favour him with the particulars of any case on paper in which complaint had arisen, he would take care that it was attended to. With reference to the time he should fix for the second reading, he certainly had proceeded on the assumption that, as far as the second reading was concerned, the House would desire to pass it over lightly, because the Bill purported to be not for any general transfer of powers, but only in cases where it was agreeable to the wishes of the Commissioners of the local community; but even as regarded the second reading, he had no disposition to hurry it. The Bill was already printed, and would be ready for distribution on the next or following day, and he should propose the second reading, probably, on Thursday week; but what he thought material was, that there should be ample time before the Committee on the Bill, which he proposed to fix not less than a month after the second reading. The hon. Member for Buckingham (Mr. Hubbard) would therefore have the opportunity of throwing the full light of day on the whole subject of the income tax before the Bill passed through committee.

Motion *agreed to.*

Bill to alter and amend the Laws relating to the collection of the Land Tax, Assessed Taxes, and Income Tax, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. PEEL.

INSANE PRISONERS ACT AMENDMENT BILL.—MOTION FOR LEAVE.

THE CONVICT TOWNLEY.

SIR GEORGE GREY:—Sir, in rising to make the Motion of which I have given notice for leave to bring in a Bill to amend the Act 3 & 4 of Her Majesty, c. 54, relating to the care and treatment of criminal lunatics, I think I ought at the outset to state what is the existing law on the subject which I propose to amend. That law is contained in the 3 & 4 of Her present Majesty's reign, c. 54, s. 1. That Act was an amendment of the 9 & 10 *Geo.* IV., c. 40, s. 55, to which it may be necessary, for a few moments, to refer. It was a general Act, and was entitled "An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics in England." That Act embodied in its 55th section the provision of a former Act upon the same subject, with but slight and immaterial alterations. The law, therefore, before the present Act of 1840, provided that, with regard to two classes of prisoners only, under certain circumstances a prisoner might be certified by two medical men to be insane, and on such certificate might be removed by a warrant of the Secretary of State to a lunatic asylum. The two classes of prisoners to which the Act of 9 *Geo.* IV. related were persons imprisoned in any county or borough prison, under any sentence of imprisonment, and persons under sentence of transportation in this country. All other classes of prisoners were excluded from the operation of the Act. With respect to those two classes of prisoners the Act provided that they might be certified to be insane while in a borough or county gaol, or in the hulks, or in a convict prison, by two physicians or surgeons; and it went on to provide, that when a certificate to that effect was received by the Secretary of State, "it shall be lawful for him to direct by his warrant the removal of such prisoner to some lunatic asylum," to be detained there, or in some other asylum to which he might subsequently be removed, until he should be certified by two physicians or surgeons to have become sane; in which case, upon the receipt of such certificate, the Secretary of State was authorized, if the term of the sentence had expired, to discharge the man, or if the sentence was not expired, then to remit him to the hulk or convict prison, or county or borough gaol as the case might be, in which he had been originally confined, there to undergo the remainder of his punishment. In 1840 those provisions were revised, and the present law was passed, with some material alterations. The first alteration referred to the class of prisoners comprised within the Act; and the object of that Act seems to have been—an object in which the public interest was concerned—to authorize the removal of prisoners charged with or convicted of any class of crime, and who had become insane, from the prisons in which they were confined, and to subject them to proper medical care in some lunatic asylum. The Act provided that,

> "If any person while imprisoned in any prison or other place of confinement, under any sentence of death, transportation, or imprisonment, or under a charge of any offence, or for not finding bail for good behaviour or to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction or order by any justice or justices of the peace, or under any other than civil process, shall appear to be insane, it shall be lawful for any two justices of the peace of the county, city, borough, or place where such person is imprisoned, to inquire, with the aid of two physicians or surgeons, as to the insanity of such person;"

And it went on to enact that, when such insanity was so certified to the Secretary of State, it should be lawful for the Secretary of State to direct the removal of the prisoner to a lunatic asylum. Thus the effect of this alteration was to include every class of prisoners except those under civil process, for whom other provision was made. Beyond thus including every class of criminal prisoners, the Act went on to require—I presume with a view to greater care and precaution in the giving certificates, the effect of which would be to remove criminals from prisons to lunatic asylums—that an inquiry should be made which was not required in terms by the previous Act, and that such inquiry should be made by two justices of the county, borough, or place where such person was in prison, with the aid of two medical men. This Act threw the chief responsibility upon the justices who were to make the inquiry, with the aid of two medical men; and the certificate upon which the Secretary of State was to act was required to be signed by the justices and the physicians or surgeons. The latter part of the clause in the former Act remained unaltered, and it is important to bear that in mind when we are considering the operation of this Act in a case which has recently occurred. The old Act only related to the two classes of prisoners I have described—those who were imprisoned in any borough or county gaol, and those who were under sentence of transportation and were retained in this country in the hulks or in convict prisons—and the latter part of the clause, therefore, had reference only to those two classes; but no alteration was made in the Act of 1840 calculated to meet the case of prisoners differently circumstanced. The Act of 1840 went on to provide, that upon the receipt of a certificate properly signed, it should be lawful for the Secretary of State (exactly in the terms of the former Act) to order the removal of the prisoner so certified to be insane, to a lunatic asylum, there to remain, subject to removal from one asylum to another, until certified to be sane, whereupon he was to be discharged if his term of imprisonment had expired, otherwise to be sent back to prison for the remainder of the term of imprisonment to which he had been sentenced. It is under this Act that the recent case of George Victor Townley has occurred; a case which has not unreasonably—I may say has properly—excited public attention, and in respect of which I feel bound to give the fullest explanation in my power. It is well known that Townley was convicted of murder. I need not enter into a detail of the circumstances of the crime, but will simply say that he was tried at the last winter assize for wilful murder, was convicted, and sentenced to death. The defence of insanity was set up at the trial and failed. The day after the trial the Judge, Mr. Baron Martin, addressed to me this letter—

"Nottingham, Dec. 13, 1863.

"Sir,—George Victor Townley was convicted yesterday before me at Derby of murder, and sentenced to be executed. I have directed a copy of my notes to be made for you, should you desire to have it; but there is a full report of the trial in the newspapers. The conviction was in my opinion right; but Mr. Forbes Winslow and Dr. Gisburn were examined at the trial, and both deposed in the strongest manner that the prisoner is now of diseased mind and absolutely insane. I think it right to call your attention at once to the subject, with a view to a correct opinion being formed as to the propriety of his execution.

"I have, &c., "SAMUEL MARTIN."

Upon receiving that letter, I read, as it was my duty to do, with attention the evidence at the trial, including, of course, the evidence of the two medical witnesses, to which the learned Judge had pointedly called my attention. I intimated to the learned Judge that that evidence did not impress me to the same extent as it appeared to have impressed him. But then a Judge who tries a case, whose whole attention is given to the evidence, who sees the manner in which the witnesses give that evidence, is more competent to form an opinion of its weight than a person who merely reads a report of it. I wrote, therefore, to the learned Judge, intimating that to me the evidence did not appear to be conclusive as to the insanity of the prisoner, but that I wished to know from him whether—from the evidence given at the trial, or from the demeanour of the prisoner, which might form an essential element upon a question of this kind—he had formed any opinion of his own as to whether the prisoner was insane, or whether, as I rather collected from his letter to me, he was of opinion that the case was one in which further inquiry ought to take place. In reply, Mr. Baron Martin wrote to the Under Secretary of State as follows:—

"Norwich, Dec. 18, 1863.

"Sir,—I have received your letter of the 17th instant, requesting me to inform Sir George Grey whether the impression produced on my mind by the evidence of the two medical witnesses on the trial of George Victor Townley, coupled with the demeanour of the prisoner, was such as to induce me to believe that the prisoner is now insane, or that there is such reason to believe him so as to call for further inquiry. I cannot say that I have formed any decided opinion upon the point. The demeanour of the prisoner afforded me no means of arriving at one. He sat during the trial with his head depressed; I scarcely once saw his countenance; and he never spoke. I would not be justified in saying that the evidence of Mr. Forbes Winslow and Dr. Gisburn is not correct, but I certainly think, and have thought ever since the trial, that there ought to be further inquiry.

"I enclose a copy of my notes of the evidence. You will find that of Dr. Winslow and Dr. Gisburn at page 25 and following pages.

"I am, &c., "SAMUEL MARTIN."

Let me say here that this has been by no means the first case in which there have been similar recommendations of a Judge after trial of a prisoner convicted of murder—sometimes where the evidence of insanity has failed, and sometimes even when the defence of insanity was not set up at the time, and when counsel had not been instructed to press that defence. There have been, during a series of years, cases which have been brought to the notice of the Secretary of State—not only my own notice,—as some of the most remarkable cases have been submitted to the decision of other Secretaries of State; cases in which either by recommendation from the Judge, or representations from other persons entitled to credit, sufficient grounds were shown to exist for further inquiry; and in some cases the inquiry has gone so far as to recur back to the time when the crime was committed, so as, in effect, to revise the evidence at the trial, and actually to reverse the verdict of the jury. I believe in all those cases the result was a commutation of the capital sentence. There is the remarkable case of Dalmas, about twenty years ago, who committed a murder on Battersea Bridge under somewhat similar circumstances to those in the present case. That prisoner was removed by the order of Sir James Graham, who was then Secretary of State, to Bethlehem Hospital, after an enquiry by two medical men. Shortly afterwards he was certified to be sane and was then sent back to prison, but his sentence was commuted to transportation for life, and I believe he is now in one of the Colonies, by virtue of the commuted sentence. There have been many cases in which, after representations from Judges or other persons, the Secretary of State has made inquiries as to the sanity of the particular prisoner. I do not think any fault can be found with the Judges on this account, and I would specially wish not to be understood as implying that any fault can be found with Mr. Baron Martin for having called my attention to the subject. The comments of the newspapers upon the case, or at least of some of them, seem to indicate ignorance on the part of the writers of what is the law of England upon this subject. I find it stated in a late edition of *Blackstone's Commentaries*, by Serjeant Stephens—

> "By the Common Law, if a man in his sound memory commits a capital offence, and before arraignment for it he becomes mad, he ought not to be arraigned for it, because he is not able to plead to it with that advice and caution that he ought; and if after he has pleaded the prisoner becomes mad he shall not be tried, for how can he make his defence? If after he be tried and found guilty he loses his senses before judgment, judgment shall not be pronounced; and if after judgment he becomes of nonsane memory, execution shall be stayed; for, peradventure, says the humanity of the English law, had the prisoner been of sound memory he might have alleged something in stay of judgment or execution." [*Stephens' Blackstone*, bk. vi., chap. 2, s. 2.]

He goes on to say (and these are Blackstone's words)—

> "In the bloody reign, indeed, of Henry VIII. a statute was made, which enacted that if a person being *compos mentis* should commit high treason and after fall into madness he might be tried in his absence and should suffer death as if he were of perfect memory. But this savage and inhuman law was repealed by the statute 1 & 2 *Philip and Mary*, c. 10. For, as is observed by Sir Edward Coke, 'The execution of an offender is for example, *ut pœna ad paucos, metus ad omnes perveniat*; but so it is not when a madman is executed, but should be a miserable spectacle, both against law and of extreme inhumanity and cruelty, and can be of no example to others.'"

I will only add to this a short passage taken from some remarks made by Sir John Hawles, the Solicitor General in the reign of William III., on the trial of Mr. Bateman in the previous reign. It will be found in the 11th volume of the *State Trials*. After stating that—

> "Nothing is more certain law than that a person who falls mad after a crime committed shall not be tried for it, and if he falls mad after judgment he shall not be executed."

He adds—

> "That it would be inconsistent with humanity and inconsistent with religion to make examples of such persons, as being 'against Christian charity to send a great offender quick, as it is styled, into another world when he is not of a capacity to fit himself for it.'"

Such being the humane and Christian principle of English law, let me ask whether, if serious doubts present themselves to the mind of a Judge as to the sanity of a prisoner, it is not his duty, whatever may have been the verdict of a jury, to call the attention of the Secretary of State to the case—the Secretary of State being the only authority through which any intervention can take place—to prevent the execution of a prisoner contrary to the common law of England? If Mr. Baron Martin was impressed by evidence which tended to show that Townley was of unsound mind, he was only performing an obvious duty in calling my attention to the facts. Well, then, knowing what the law of England was on this point, was I not bound by the respect due to any Judge, and especially to so distinguished a Judge as Mr. Baron Martin, to pay proper attention to such a representation? Would it not, in fact, have been a gross violation of my duty if I had not done so? I could not have justified myself to Parliament or the country, to my own conscience, and before God, if, after the representations that had been addressed to me by the Judge, I had abstained from instituting further inquiry. Sir, I felt that I had no choice. In communication with the Under Secretary of State it occurred to us that the best persons to conduct the inquiry would be the Lunacy Commissioners, who are intrusted with large powers by law to inquire into the state of mind of persons in public and private asylums, and either to continue them in confinement or discharge them. Their experience is consequently great. The Under Secretary of State having ascertained, by a communication with them, that they were willing and able to undertake this inquiry, I addressed a letter to them requesting them to do so. In that letter I stated what the precise point of inquiry was. I stated that the Judge had expressed an opinion that the verdict was right; that having read the evidence I concurred with the Judge in that opinion; but that as the Judge had also expressed doubts, founded upon the evidence, whether at that time—which was some months subsequent to the commission of the crime—the prisoner was or was not insane. I desired them, if they could, to solve that doubt, and, abstaining from any review of the trial, and from any interference with the verdict, to inform me what their opinion was as to the prisoner's present state of mind. On the morning of the 29th of December I received the Report from the Lunacy Commissioners. It is necessary to bear in mind the date, for it was just forty-eight hours before the time fixed for the execution. The Report of the Commissioners was not so clear and explicit as I had hoped for, and it did not distinctly answer the question which had been addressed to them. The Commissioners stated that in their opinion, so far as they could collect from the evidence, no change had taken place in the state of mind of the prisoner since the trial, or since the commission of the offence. They further stated that in their opinion, for certain reasons which they gave, they could not consider the prisoner to be of sound mind, but that according to the law, as it was laid down by Mr. Baron Martin, which is in accordance with the law as it has been collectively declared by the Judges in M'Naughten's case, the prisoner was responsible for his acts. Now, it is clear upon this Report, that if the prisoner had been one of the patients examined by the Lunacy Commissioners they would not have declared him to be of sound mind with a view to his discharge; but the Commissioners found it impossible, according to the law as laid down, to come to any other conclusion than that he was responsible for his actions. I must say, for my own part, that, believing that the law as laid down by the Judges in criminal cases ought to be acted on, I should not, upon such a report, have felt justified in interfering to stay execution. At the same time, this report placed me in a painful position. The Lunacy Commissioners said, in effect, "We do not consider this criminal to be of sound mind, and yet, according to the law of the land, he was responsible for his acts." On such a Report alone, I repeat that I should not have felt justified in interfering to prevent the law from taking its course. But at the same time that I received this Report, I received a certificate purporting to be signed by three magistrates — two of of whom were magistrates of the borough of Derby, and one was a county magistrate —and by two medical men, a surgeon and a physician, as required by the existing law. That certificate was in the following terms:—"Derby County and Borough Gaol." It is material that these words should be borne in mind, with reference to the jurisdiction of the magistrates, considering some of the objections taken to the course which I followed:—

"Derby County and Borough Gaol, Dec. 27, 1863.

"We, the undersigned, William Thomas Cox, Thomas Boden Forman, and Thomas Roe, being three justices of the peace for the county or borough of Derby, as hereunder described, hereby certify that we this day attended at the County and Borough Gaol, situate in the said borough of Derby, and with the aid of Henry Goode, of Derby, aforesaid, Doctor of Medicine, and Thomas Harwood, of the same place, surgeon, then and there proceeded to examine and inquire into the mental state and condition of George Victor Townley, confined in the said gaol under sentence of death: and we, the said William Thomas Cox, Thomas Boden Forman, Thomas Roe, Henry Goode, and Thomas Harwood, further certify that the said George Victor Townley is insane.

"W. T. Cox, Justice of the Peace for the County and Borough of Derby.
"T. B. FORMAN, Justice of the Peace for the Borough of Derby.
"THOMAS ROE, Mayor of the Borough of Derby.
"HENRY GOODE, M.B., M.R.C.S.
"THOMAS HARWOOD, Surgeon and Apothecary, and Medical Officer of the Derby Union."

It must be borne in mind that an immediate decision was necessary as to the course to be taken. Since this case has been under discussion it has been said that the certificate was invalid, and that I ought to have disregarded it, to have taken no steps with respect to it, and to have allowed the law to take its course, if I thought the report of the Lunacy Commissioners justified that step. Two reasons have since been alleged—I say since, because I believe that at the time no one thought of them—why the certificate was invalid. One—I am almost ashamed to mention it—was that it was signed on a Sunday. The next was that the Act required that the justices who signed the certificate should be justices of the county, the prisoner referred to being in the county part of the gaol, where the borough justices had no jurisdiction. Now, if my attention had been called to these facts at the time (which they were not), the result would have been the same; I should not have hesitated to take the course which I really adopted. Well, then, great stress has been laid upon the fact that I signed a respite and forwarded it to Derby in consequence of this certificate. Sir, I avow that I did so; and I could not have done otherwise. Remember there were but forty-eight hours before the execution; and though to have referred the matter to the Law Officers of the Crown and to have instituted an inquiry at Derby would have been all very well if I had had a month before me, as the case stood the man would meanwhile have been hanged. Even had there been the delay of a day, the respite could not have reached Derby till the night before the execution, and the accident of a train breaking down, or any occurrence of that nature, might have prevented the receipt of the respite until after the execution had taken place. I determined, therefore, at once—not to commute the sentence—but respite the execution, taking time to consider the steps which should be resorted to. As it was, the respite did not arrive in Derby until the day before that fixed for the execution. The certificate I have read to the House was followed by a letter from the Governor of the gaol, stating that he had been requested to forward the certificate, showing that what was done was done with the full acquiescence—at all events, with the full knowledge—of the authorities of the gaol. It was accompanied by no intimation to me from any of the authorities that any irregularity had been committed, or that there was any reason to suppose that the certificate ought not to have been given. I was left to act upon it, without any intimation from that quarter; and I therefore took the course which I thought my official duty and regard for the law required. Next day—the 30th December—I received a second certificate, also without any intimation, on the subject, from the local authorities; and that was the first circumstance that suggested a doubt to my mind whether the first certificate was not informal, and whether it was not necessary that the certificate should be signed, not by borough magistrates, although the gaol was within the borough, and was both the county and borough goal, but by two county magistrates. This second certificate was identical in terms with the former; but the names of the borough magistrates were omitted, and those of two county magistrates were substituted. No suggestion was made that this certificate was not in perfect conformity with the Act, and on it, and it alone, the warrant for the prisoner's removal to Bethlehem Hospital was founded. If the warrant had been founded on the other certificate, I could understand the doubts which were subsequently suggested: there might have been some material question for a court of law, as to whether the warrant of removal was right on technical grounds; but in the case of the second certificate, no point whatever as to the validity of the warrant could arise. The effect of the two certificates together was that four justices and two medical men had certified in the terms required by the Act—having that Act before them, and knowing what the effect would be—as to the insanity of the prisoner. Well, on receiving the second certificate, I issued a warrant for the removal of Townley to Bethlehem. It has, however, been said that I had a perfect discretion in the matter, and that I was not bound to take the step even after the receipt of those certificates—that, however regular the second certificate may have been, I was not bound to act on it, but might have disregarded it, it being a matter of discretion. Now, let me say that such a construction of the Act is contrary to that uniformly put upon it by every Secretary of State who has been in office since it passed. Many cases have occurred in which certificates, signed by two magistrates and two medical men, have been sent to the Secretary of State; and I have not been able to find one in which he has not felt bound, as a matter of course, or rather positive duty, to order the removal of the prisoner to a lunatic asylum. But my argument does not rest merely on the construction given to the Act by successive Secretaries of State; because there have been several solemn decisions of Judges in which it is held, that where an Act of Parliament is for the public benefit—as is clearly the case here—words "empowering" or "enabling" have a compulsory sense, and that the exercise of the power depends upon the point whether the case comes within the Act, and not on the discretion of the person intrusted with the duty of giving it effect. Any one reading this Act will find that it makes the certificate of two medical men and two justices final on the question of sanity up to the removal of the prisoner, and until the date of a subsequent certificate of sanity after inquiry held in the asylum after his removal. Even the very form of the certificate to be signed by those intrusted with the inquiry in the asylum assumes that the certificate on which the warrant of removal had been issued was well founded, because it states that the prisoner "has become sane," thus pointing to the state of mind of the prisoner when examined in the asylum, as having undergone a change since his admission. I therefore think it was clearly contemplated that the certificate of insanity on which a prisoner is entitled to removal from gaol must be considered final up to the issuing of the certificate of the medical men who shall have examined the prisoner in the lunatic asylum. I therefore felt myself bound to issue a warrant for the removal of the prisoner. I signed the order for Townley's removal on the 30th of December; but, owing to some cause, of which I am not aware, it was not executed till the 11th of January, and it was not until then that he was received into Bethlehem. A correspondence has taken place between my Office and the magistrates of Derby, to which I do not think it necessary to refer in detail on this occasion. An additional reason for my not doing so is, that I received a letter from the hon. Member for Derbyshire (Mr. Mundy), who is chairman of the Visiting Justices, stating, that owing to an accident he would not be able to attend in his place this evening. In reply I stated that though it would be impossible for me to avoid making a reference to the Townley case in moving this Bill, I would advert to the correspondence as slightly as possible. I may, however, observe, that owing to a communication from the magistrates, I felt it my duty to ask an explanation of the justices who had signed the certificate. It may be asked why I did not take a similar course with regard to the medical men who signed it. The reason is, that as Secretary of State I had a right to call on the justices for an explanation; but I had no such right in the case of the medical men. I will not refer to the letters I received in reply, further than to say that they satisfied me on two points—first, that those certificates signed by the magistrates had been signed by them *bonâ fide*, and after due inquiry, and with a conviction on their minds that Townley was insane, however mistaken that opinion may have been; and, secondly, that the machinery of the law had been put in motion by the attorney for the prisoner, who had called on the magistrates to go to his client and examine him, and who had, I believe, also called on the medical men with the same object. I impute no blame to the prisoner's attorney for taking this course as long as the law sanctioned it. I do not think he was to blame for using every effort to save the life of his client. But I think it is a serious defect in the law that the attorney of a prisoner, acting irresponsibly, should be able to select the magistrates and the medical men who are to make an inquiry of this kind. Such a circumstance is calculated to affect, not the validity of the certificate to be signed, but its value. At the same time I think that no blame is to be attributed to the magistrates for the course which they took under the existing law. One of them who signed the certificate seems to have been anything but favourably disposed towards the prisoner, or inclined to believe him insane before he went to make the examination. But as the matter now stands, the clearly expressed report of four men, of the greatest eminence and the greatest experience, which has since been received, leads me to believe that a miscarriage of justice has taken place in this case, against the recurrence of which we ought to provide. With regard to the opinion of medical men on insanity, there is one point which has not been sufficiently adverted to—that is, the great difficulty there is in defining insanity. Hale says, "It is very difficult to draw the invisible line that divides perfect and partial insanity;" and in *Blackstone's Commentaries*, Stephen's edition, 1863, vol. iv. p. 112, it is stated:—

> "The line of distinction referred to by Hale has never yet been fully traced. The judges on a late occasion (Macnaughten's case in 1843), however, gave it as their opinion, that if a man who takes another's life appears to have known at the time that he was acting contrary to law, his being under an insane delusion that he was thereby redressing some supposed grievance or producing some public benefit will not exempt him from the guilt of murder; neither will he be exempted by being under an insane delusion as to facts, provided the supposed facts, if real, would not have justified the act; but that, on the other hand, he will be exempted by such delusion as last mentioned where the facts, if real, would have justified the act."

It is impossible for me, as long as that is the law, not to feel that a conviction may be right on the principle laid down by the Judges; and that, at the same time, justices and medical men may conscientiously arrive at the conclusion that a prisoner is insane. I think the conviction in this case may have been right, and that still the certificate may have been honestly given. I think the Amendment which I propose to the House, and which I hope the House will entertain, is calculated to correct this defect in the law, which allows its machinery to be put in motion, not necessarily by an impartial person, but by the agent of the prisoner, selecting himself the instruments by which the law is to be carried into effect. What I propose to do in the Bill is to repeal altogether the first clause of the Act 3 & 4 *Vict.* c. 54, and to substitute an enactment having the same object—namely, proper provision for the care and disposal of criminal lunatics, who clearly ought not to remain in a prison, but to be removed to an asylum. I do not propose to limit the general operation of the Act. It is clear that every prisoner, if lunatic, should be removed without making any distinction as to the nature of his crime. I do not propose in any way to exempt from the provisions of the law any class of prisoners to which the law now applies. But, instead of leaving this delicate, difficult, and responsible duty to any two justices, I propose that the duty shall be imposed exclusively on the visiting justices of the prison. I propose, further, that instead of any two medical men volunteering their services, which must necessarily be most hazardous when we bear in mind the vague and crude opinions entertained by some medical men with regard to insanity, that upon the visiting justices upon whom will be cast the duty of inquiring, shall also devolve the duty of selecting the medical men whom they shall call in to aid their inquiry. I think these duties may safely be left to the visiting justices. They are selected from the general body of magistrates; all the internal arrangements of the gaol are under their supervision, and they have constant intercourse with every officer of the gaol; they know or have the means of knowing the mental and bodily conditions of every prisoner; and if they cannot safely be intrusted with these duties, we had better decide that they should be relieved of the general administration of the gaol, and that it should be transferred to some central authority; which would be a change I could not recommend, and one not expedient, I think, for the House to adopt. I propose in addition that the physicians or surgeons who are called in should be registered as such under the Medical Registration Act. This brings me to a point which I ought to notice. Some time after the certificate in Townley's case was signed, I was informed that Mr. Harwood was not a surgeon registered under the Act, and I was asked whether the certificate was legal. He is described as "surgeon" by the visiting justices who gave the order for entering the prison. He is described as surgeon in the body of the certificate, and he is described as surgeon and medical officer of a board of guardians in the words attached to his signature. There is nothing to suggest a doubt on the face of the document; but when I was told that he was not a surgeon registered under the Act, I thought it my duty to call for an explanation of it. I received a letter from him, which, I think, is not necessary to read, but in which he distinctly admitted that although registered, he was not registered as a surgeon. In fact, Mr. Harwood is a general practitioner, who has for forty-three years acted as a surgeon, who is well known to every one in the locality, and who has frequently signed certificates relating to insanity in connection with the union of which he is medical officer. No question arose in this case upon the point. But I communicated with the Lord Chancellor, and the Lord Chancellor gave me an unqualified opinion that Mr. Harwood was a surgeon within the meaning of the Act. Here I may say, that although for all that happened up to the reception of Townley into Bethlehem Hospital I am alone responsible, every act done by me since that time has been with the advice and concurrence of the Lord Chancellor. I think it right, in the Amendments which are now proposed, in order to remove all future doubt, to provide that the physicians or surgeons called in aid by the visiting justices shall be registered as such under the Medical Registration Act. The other, and perhaps the most important, provision in the Bill is, that the certificate of insanity, signed by the visiting justices and medical men, shall no longer be final or conclusive. In the great majority of cases, no doubt, it will still be final. The certificate will be, not a mere surmise or suggestion to the Secretary of

State, but the deliberate and recorded opinion under the hands of the visiting justices and two medical men, of the insanity of the prisoner to whom it refers; but by the insertion of words showing that it is not mandatory, but permissive, the Secretary of State, "if he thinks fit," will be able to institute further inquiries in any case before he directs the removal of the prisoner, so as to satisfy his mind, if he entertains any doubt, that the certificate is correct. If these alterations are made, I think effectual precautions will be taken against any such miscarriage of justice as may have happened in this case, and that the increased responsibility of the Secretary of State and the new responsibility imposed on the visiting justices will prevent any risk of the course of justice being improperly interfered with.

Having said thus much, I must be allowed to say a word upon the course finally taken with regard to Townley. He was removed to Bethlehem on the 11th of January. I received no intimation from the officers of Bethlehem as to the state of his mind. In ordinary cases, if the medical officers of an asylum to which a prisoner has been removed are satisfied of his sanity, they send a certificate to the Secretary of State, and the Secretary of State acts upon their certificate and removes the person back to prison. It would have been very wrong if the officers of Bethlehem had hastily formed an opinion without allowing time to insure their arriving at a sound conclusion by observation and examination, and, as I have said, no certificate was received by me. But at the end of the week following that when Townley arrived in London, with the concurrence of the Lord Chancellor, I requested Dr. Hood and Dr. Bucknell, Visitors of Chancery Lunatics, who have had great experience in such cases, Dr. Meyer, medical superintendent of the Broadmoor Criminal Lunatic Asylum, and Dr. Helps, resident medical superintendent of Bethlehem Hospital, to examine the prisoner, and after sufficient examination to report as to the state of his mind. Dr. Hood was absent on a tour of inspection in the North, which caused a delay of two or three days; but having had two interviews, and having taken the opinion of the medical officers of Bethlehem, on the 28th of January those four gentlemen gave a most clear and explicit opinion, that the prisoner was of sound mind. That opinion appears to me to be conclusive: while, as I have said before, I do not impute to any one who signed the certificates of insanity—whether medical men or magistrates—that they signed without a full conviction at the time of the truth of that which they certified. It then became necessary to determine what course should be taken. In anticipation of the possibility of a report such as that which I did receive, I had conferred fully with the Lord Chancellor, in order that whatever course was taken might be taken at once. I stated to the Lord Chancellor my own opinion as to the proper course, and I had the satisfaction of finding that the Lord Chancellor concurred with me in a course which was afterwards also concurred in by Her Majesty's Government. I was of opinion that under the circumstances of the case—after the prisoner had been respited under the certificate, after he had been removed to an asylum, and after the doubts which had existed as to his sanity — it would not be right to carry the capital sentence into execution, to send him back to Derby, and to direct the sheriffs to fix another day for carrying the sentence into effect. Under these circumstances we thought it proper that the sentence of death should be commuted into one of penal servitude for life, and that the convict should be removed from Bethlehem Hospital to Pentonville Prison, which had become the proper legal place of custody under the commuted sentence. If we had acted otherwise, and had ordered the original sentence to be carried into execution, we should, I think, have strained the law beyond what had been done before in our criminal practice, and I think the public feeling has been best consulted by the commutation of the punishment. I have now stated all the facts connected with the case, and I trust the hon. Member for Derbyshire, the chairman of the visiting justices, will not be of opinion that I have in his absence made any unfair reference to a correspondence in which he was concerned. For my own part, I attribute no fault to the visiting justices or any one else. The defect was in the law, and I, feeling myself called upon to act without delay and without any opportunity of taking any other advice than that legal advice which is always open to the Secretary of State, and in which I place the greatest confidence, I took that course which I considered to be consistent with my sense of duty and with the law. I have only to add that I hope the House will assent to the amendment of the law which I now propose, and thus take an effectual precaution against the recurrence of such a miscarriage in any future case. The right hon. Gentleman then moved for leave to bring in a Bill.

Moved, That leave be given to bring in a Bill "To amend the Act 3 and 4 Victoria, c. 54, for making further provision for the confinement and maintenance of Insane Prisoners."

MR. MACDONOUGH said, that the question involved in the case on which the Secretary for the Home Department had dwelt at such length was of the utmost importance, as affecting the prerogative of the Crown and the due administration of justice; and it was desirable, that before the House proceeded to legislate on this subject, they should clearly understand what was the state of the law at present. The course taken by the Government on this occasion was a novel, but perhaps a necessary course for their vindication. Still, he thought the Government were acting with a most suspicious alacrity. On the very first day of the Session, the right hon. Gentleman the Secretary of State for the Home Department gave notice of his intention to introduce this Bill, and that step was followed by a Motion of the Under Secretary that the papers should be laid on the table. That seemed to be done with the view to gain priority over assailants, and to submit the first statement to this House and to the country. The right hon. Gentleman in bringing in this Bill has favoured the House with a laboured defence of his conduct. His first proposition might be admitted without difficulty. The right hon. Baronet testified, in the first place, to the admirable manner in which the trial had been conducted by Baron Martin, and in the observations which fell from him on that head he entirely concurred. Baron Martin had submitted the question of sanity or insanity to the jury with the most entire accuracy in point of law, nor was the part which he took in the proceedings subsequent to the trial less worthy of commendation. The right hon. Gentleman himself, too, took at the outset a very proper course. Having received the suggestion of Baron Martin that further inquiry should take place as to the prisoner's sanity, he applied to the Lunacy Commissioners to undertake that inquiry. They did so; and reported that, according to the law laid down by Baron Martin, the prisoner was sane enough to be responsible for his acts. Not satisfied with this opinion, he subsequently ordered a fresh inquiry to be made by four most competent persons, who, having examined and re-examined the prisoner, reported that he was a sane man. But in the meantime there had been a miscarriage of justice. Two certificates had been sent to the Home Office, prepared in such hot haste as to be irregular, the attorney who set the parties in motion having procured to one of them the signatures of the borough justices. Now, passing over the objection of its having been signed on the Sabbath, he would observe that if the right hon. Baronet had taken the trouble of reading the existing Act in conjunction with preceding Acts *in pari materiâ*, he would find that, the prisoner having been confined in the county gaol, the jurisdiction was in the county justices, and that it was they who ought to have signed the document. He would not, however, rely on technical objections, and would proceed to deal with the argument of the right hon. Gentleman, that the statute of Victoria was absolutely binding on him and left him no discretion. Now, this he (Mr. Macdonough) denied. The words "it shall be lawful" were words of a permissive character, and were imperative only in those cases in which public duty required that a thing should be done; they were permissive in general, and imperative when for the sake of justice or the public benefit, or looking to the clear context of the statute, they were evidently intended to be so. In the case under discussion they were not imperative, but permissive. All that the Act did was to enable the Secretary of State to remove the prisoner to Bethlehem Hospital if he should think fit. The right hon. Baronet seemed to think, he might add, that the first statute on the subject was the 9 *Geo.* IV.; but there was a previous statute, the 56 *Geo.* III., which contained no expression rendering it incumbent on the Secretary of State to act as if he were an automaton. Then came the 9 *Geo.* IV., and lastly the statute of Victoria, which it was now sought to amend. The common law of England was clear, that if a man was insane when he committed the offence he was not guilty of murder. It was a part of the very essence of the offence that it should be commited by a person of memory and discretion. Then came the statutes of *Geo.* III., providing for cases in which persons became insane after conviction.

These provisions were intended for the care of the lunatic until the return of reason rendered him a fit subject for punishment, and not to enable justice to be defeated by trick or dexterity. On the receipt of the certificate a temporary respite might have been granted by the prerogative of the Crown, and thereupon there should have been an inquiry why the borough justices went to the county gaol, who were the physicians employed by the attorney for the prisoner, and what was the real state of mind of the convict. That was within the competency of the right hon. Baronet, and it was his duty to the Sovereign and to the people of this country to take care that a convicted murderer did not escape by a trick. Assuming, however, that the right hon. Baronet's construction of the statute was the correct one; that the words of the statute were absolutely mandatory; that the verdict of a jury pronounced after the correct legal instructions of a learned judge was to be set aside by the certificate of two physicians; and that, although their sworn statements on the trial might have been disregarded, their unsworn statement embodied in a certificate tied up the prerogative of the Crown and made one of Her Majesty's Secretaries of State a mere automaton, who must instantly direct the removal of the prisoner to a lunatic asylum—assuming all that, what followed? Why, that this should be done, not as a conditional or absolute pardon, but merely as a respite of the execution until the return of sanity, and to insure the lunatic being cared for and the law fully carried out. The case was analogous to that in which there was an interference with justice on account of a prisoner's pregnancy. When a woman who had been convicted of murder pleaded that she was quick with child, a jury was empanelled to try whether she was so or not. If the plea was found against her she was not respited; if it was found for her she was respited, but she was respited only until she was delivered of the child, and when that was over she was executed.

SIR GEORGE GREY: Never—I do not think a case can be found within thirty years.

MR. MACDONOUGH: The right hon. Baronet first said never, and then not for thirty years. His idea of everlasting was rather limited. There were numerous instances in the books in which women had been executed after such respites. If while the woman was in prison she became in the familyway again she could not repeat the plea. What he was seeking to establish was the analogy of these temporary respites. He further maintained that if the first part of the section was mandatory the latter part was equally so. The first part of the clause empowered the Secretary of State to direct the removal of the prisoner to a lunatic asylum, and the latter part directed that upon two physicians certifying that he had become sane, the Secretary should order his recommittal to the criminal prison until his sentence of imprisonment had expired. What did that prove? It showed that the respite, which was the necessary consequence of the transfer of the prisoner to the lunatic asylum, was to be only temporary, and was intended for the care of the lunatic, and to prevent justice being defeated. Therefore, he cared not whether the statute was permissive or obligatory. In either case, the law of this country had been violated, and there had been, as was admitted by the right hon. Baronet, a miscarriage of justice—a miscarriage brought about by the attorney for the prisoner who set these people in motion. Was that to be tolerated? It had been announced tonight that after a report had been received from four eminent men declaring that Townley was sane, he was not to be executed. What was the explanation given of the facts of this extraordinary case, upon which the law of the land was now to be altered? If the right hon. Baronet had pushed his inquiries into the law of the country, or had consulted the Attorney or Solicitor General, he would have learnt that in his last act he had violated all the analogies of the law. In former times pardons for the greatest crimes, such as treason and murder, were often obtained by the undue influence of high officers of State. To prevent this the Parliament of England passed certain restricting statutes, which were very ingeniously contrived so as not to trench upon the prerogatives of the Crown. By one of these statutes it was provided that in all charters of pardon for murder the particular manner in which the murder had been committed should be set forth. The reason of this was, that it was thought that if the murder had been committed after lying in wait, or by other shocking means, no Sovereign would put his hand to a pardon in which such heinous circumstances were disclosed. It was also a principle of the common law, that if a charter of pardon was obtained upon a false suggestion it was void *ab initio*. That was the case here. The pardon, or respite, or commutation had been obtained upon an absolute falsehood; because it was incredible that after the Judge and jury, the Lunacy Commissioners, and the four gentlemen appointed with the sanction of the Lord Chancellor, had all pronounced this man to be sane, he should really be insane. The Secretary of State should have acted upon analogy with the statute and common law, and then this miscarriage of justice, arising out of a false suggestion made by the prisoner's attorney, would not have taken place. For it certainly was a violation of the analogy of the law if a man was pardoned through the aid rendered to him by others who had used their influence unscrupulously. The spirit of all the older statutes was entirely opposed to the theories which were now put forward, and so much was this the case that, after the Revolution, when the doctrine of *non obstante* was done away with, it was generally argued that the King had no power to pardon for murder; but the contrary was decided, and the Prerogative remained untouched. But if the punishment of death was to be continued in this country it was absolutely necessary that greater caution should be observed in future, for we had gone lamentably far in our interference with the manner in which sentences were carried out. He deeply lamented that a recent instance had occurred in which the last words an unfortunate culprit heard were, not the consolations of religion, but cries of "Where is Townley? Where is Townley?"

MR. NEATE viewed with surprise and some little indignation the attacks to which the right hon. Baronet had been subjected by the press; and if he differed in opinion from the Secretary for the Home Department, in offering criticism upon his actions, he should at least remember that he was speaking of a man inferior to none in that House for judgment and ability, and superior to all in opportunities for becoming acquainted with the duties of the office he now held. However much he might differ from him, he should certainly express his opinions with forbearance and respect; and this, he thought, had hardly been evinced in the observations of the hon. and learned Gentleman opposite. It was not, however, as the apologist of the right hon. Baronet, but as a critic of the measure which had been laid on the table, that he had risen to address the House. The Bill was, in his opinion, very far from being an adequate remedy for the evil the right hon. Gentleman had so clearly pointed out. Such was the barbarous and unfortunate state of the law at the present day, that it was possible for a confirmed lunatic to be guilty of murdering his keeper, provided only that the act were done in what the law chose to call "a lucid interval;" but though they might convict a lunatic of murder, common sense would not permit him to be hung for the offence. This measure was a very imperfect remedy to the existing conflict between law and common sense and common justice. The law respecting lunatics dated from a time when there was very little knowledge of mental disease, and when the Judges who administered the law believed in witchcraft, and absolutely sent persons to the stake and the gallows for being guilty of that offence. One of the most distinguished of these Judges was Sir Matthew Hale, who was, no doubt, a very good and useful man, but certainly not a very wise one, and to quote him as an authority upon any point of criminal law affecting lunatics would be something like citing the author of the *Pilgrim's Progress* as an authority in Biblical criticism. But since those days no branch of knowledge had made more progress than that relating to mental disease. The result of the law as it stood had been a state of hopeless discrepancy between the legal notions of insanity and the medical notions. He did not mean to say that medical science had yet succeeded in pointing out any satisfactory test of insanity. It might be that the very nature of medical researches, which traced the disease from its worst manifestations up to its first slight indications, when the mind was hovering between sanity and insanity, would disqualify medical men from laying down any satisfactory test as to the mental condition at a given moment; but, at any rate, they had arrived at conclusions utterly at variance with those of the lawyers. The test of law was, "Is a man capable of distinguishing between right and wrong?" A medical man declared that one of the most fatal signs of mental disease was an exaggerated sense of moral and religious duty. He did not cast any reflection upon Baron Martin, than whom a more patient and humane Judge did not sit upon the bench, and he gave the learned Judge great credit for the manner in which he dealt with the perplexity in which he found himself; but being a sensible man as well as a sound lawyer, Baron Martin was conscious, no doubt, that when he was laying down the legal test of insanity he was laying down a test altogether at variance with justice and common sense—["No, no!"]—at any rate he must have been aware that Dr. Forbes Winslow and the other medical witnesses knew more about insanity than he did, and therefore he was unwilling to take upon himself the responsibility of allowing the law to take its course. For these reasons, he was unwilling to throw undue responsibility upon the shoulders of the right hon. Baronet who had already so much to bear. He would not have made these observations if he had not a suggestion to make which might lead to a practical remedy. He would suggest that if the representatives of the medical and legal notions could be brought together—not in the arena of a court of justice, where there was a sort of conflict between them, and where medical men might, under the pressure of cross-examination, and under feelings of natural irritation at being treated with disrespect by persons who knew much less about the subject than themselves, give exaggerated opinions, but where legal and medical men could meet together and discuss the matter upon an equal footing—the result might lead to the clearing away the difficulties and prejudices which now perplexed the subject, and some more satisfactory rule might be arrived at than that which the present state of the law afforded. He recommended, therefore, for the consideration of the Home Secretary whether a Royal Commission or a Committee of that House might not be appointed before which lawyers and physicians might have the opportunity of giving their opinions upon this perplexing question. As to the recent case which had given rise to the proposed change in the law, he could not understand upon what grounds the medical gentlemen who last reported upon the case arrived at so very satisfactory a conviction of the sanity of Townley, and still less could he understand why such great stress was laid upon the opinion of these four gentlemen, so that their evidence was considered more conclusive than that of persons who were much better acquainted with that particular case. He admitted that the report was an able document; but he thought that, of all who were consulted, these gentlemen were the least to be relied on, because, from the very nature of their office, they were only brought into contact with the more developed and unmistakable evidences of insanity, and were less capable than others of tracing the disease in its earlier stages.

MR. LOCKE said, he regretted that the necessity for the introduction of this Bill should appear to many to have arisen from the circumstance that a very large proportion of the people were of opinion that there was one law for the rich and another for the poor. There could be no doubt that, in consequence of the provision in the statute which was now about to be modified, persons of wealth had an opportunity of putting the law in operation, while the poor man was entirely debarred from doing so. But he would ask the right hon. Baronet whether he thought his present proposal, if carried into effect, would get rid of all the objections which had been brought into notice by the late case of Townley? By the law as it existed at present, any two magistrates of a county, coupled with two medical men, might sign a certificate of insanity, and obtain a respite for a criminal. The alteration proposed was that two visiting justices, instead of two justices of the county, simply should have that power. Now, the visiting justices were not always men in whom complete confidence might be placed. They were as any other men liable to be actuated by feelings of detestation for capital punishment, and they were just as likely to be led away as other men. If, then, for the future, a certificate came up to the Home Secretary signed by two visiting justices and two medical men, would that act as a pardon for the criminal? [Sir GEORGE GREY: No.] The right hon. Gentleman said that, under the circumstances, he should have been acting contrary to all precedent if he had not respited Townley on receiving the certificate, and had not commuted the sentence of death to one of penal servitude for life. But in what material particular would the law be amended if there was only a substitution of visiting justices for justices of the peace? Punishment ought to be certain; and unless the punishment of death were abolished altogether, there never was a case which called more for the punishment of death than Townley's case. There were no mitigating circumstances in his crime, and, at the time of its commission, it was proved that he was perfectly sane, that is, as far as any one could judge of the sanity or insanity of a fellow-creature. As to the suggestion of the hon. Member for Oxford (Mr. Neate), that there should be a Committee or Commission composed of doctors and lawyers, he did not think that the proposition made was by any means clear. This, however, he knew, that if a man had any peculiar turn of mind which was a little different from that of his neighbours, you could easily find a couple of doctors to come and say that he was a madman. If a man were addicted to hunting—a pastime in which, of course, he ran the risk of breaking his neck—and if he followed that pursuit to any great extent, he (Mr. Locke) would undertake to say that he could find doctors who would say that the man was not of sound mind. This being the case, there was no implicit reliance to be placed upon doctors any more than upon any other class of men. The jury, however, after hearing the doctors, found Townley guilty of murder and held him to be sane. He had since been certified to be insane, and was now shown to be sane. Was there any reason, therefore, why Townley should not have been executed? He was at a loss to know what reason could be adduced for respiting him unless it was intended to abolish the punishment of death altogether, nor was he prepared to say that this would not be advisable. But because, in the interim between his trial and the day on which he would have been executed he had been declared insane, was that any reason for commuting the sentence, when it was found that he was sane when he committed the crime and sane now? The very circumstance of his being placed upon his trial might have rendered him for the time insane. With regard to the Bill now proposed to be brought in, was it intended that if similar representations were hereafter made by the visiting justices and by doctors as had been made in the Townley case, that the same course was to be taken as at present? Because, if so, the friends of a person under sentence of capital punishment would avail themselves of the same opportunity that now existed, and which had been taken advantage of by those who had got up the representation to the Secretary of State. He sincerely hoped that the Bill would be most carefully looked at by hon. Members, so that they might avoid the opprobrium that had been recently cast upon the law in consequence of an execution that had taken place—he meant that of Wright; for it was very generally believed that if he had had rich friends he would have had a better claim than Townley to have his life spared. That Wright was in a fit state to be tried most people would doubt.

Mr. Locke

Sir GEORGE BOWYER observed, that much had been said, both in the press and in the course of recent discussions, with regard to the supposed conflict between the medical and the legal idea of insanity; and the hon. Member for Oxford (Mr. Neate) had suggested a conference between medical men and lawyers to settle the supposed conflict. In reality, however, such a conflict did not exist; for the medical idea of insanity and the legal idea of it had perfectly different objects; and that was the real solution of the difficulty. The medical man was bound to ascertain the smallest trace of mental disease, with the view of finding a cure or an alleviation of it. The legal idea of insanity was always applied to a particular act. For instance, if a man had executed a deed or a will, the legal question was whether at the time he was competent to do that legal act; and so it was in the criminal law, for if a man committed an offence, the question was not whether he was of perfectly sound mind at the time, but whether he had that degree of knowledge of right and wrong to which the law attached responsibility and liability to punishment. He thought that it very often happened, that in criminal trials the distinction to which he had referred was lost sight of; and no doubt counsel were interested in doing so in order to induce the jury to believe that any amount of unsoundness of mind in the prisoner would warrant an acquittal. Medical men should not on such occasions be asked the question whether the man was of sound mind, but whether the insanity or unsoundness of mind under which he might labour was such as to deprive him of the knowledge of right and wrong, and of that responsibility, without which the law never inflicted criminal punishment. If the distinction between medical and legal insanity were kept clearly in view, a great deal of the difficulty that was now felt would be avoided. He would not stop to inquire whether the words in the Act, "It shall be lawful," were mandatory or permissive, for in the face of that Act of Parliament it would have been hardly possible for the Secretary of State to do otherwise than he had done, when the doubt was once raised. As long as there was a doubt on the point of law it was impossible for him to do otherwise than grant a respite. But there was one other subject in reference to which he did not think that the Secretary of State had acted with as much judgment as was desirable; he meant the case of the prisoner Wright, who was executed. It seemed that Wright and the woman had been quarrelling all night—he believed they were both drunk—and in the morning it was found that Wright had murdered the woman. But it was at least doubtful whether he had done it in hot blood or with deliberation; and there being this doubt he thought that it was possible for the Secretary of State, without departing from the usual course, to have commuted the sentence. His own opinion was that it would have been wise to do it. He did not say whether the man deserved to be hanged or not, for that was not the question; prisoners were not hanged because they deserved to be hanged, but because it was good for the community that deserving death they should suffer death. If all those who deserved to be hanged were hanged, a great many would be put out of the way. In his opinion the execution of Wright had not a beneficial effect. Wright's execution took place immediately after Townley was saved from death. This had a very bad effect upon the lower class of the people; it had produced a strong impression among them that there was one law for the rich and another for the poor. Hon. Members knew that that was really so, and to some extent it was unavoidable; but still it was a very dangerous thing that that impression should be deeply rooted in the minds of the working classes. He took some pains to ascertain the feelings of the people in reference to Wright, and he went to various parts of London, and among others to the neighbourhood of Horsemonger Lane, and heard many speeches made by working men. Some of them were as good as some he was in the habit of hearing in that House, though a good deal of nonsense was also spoken, and he came to the conclusion that the execution of Wright would produce a bad feeling between the poor and the higher classes. One man was declaiming against the aristocracy; and he (Sir George Bowyer) took the liberty of saying that he did not think that the aristocracy had anything to do with it, but that it was simply a mistake on the part of the people in authority. He (Sir George Bowyer) could not say that the feeling which had sprung up among working men was groundless, but he hoped that time would alleviate it. With regard to the Bill which would be brought in, he hoped that it would have the fullest attention of the House, so that an efficient remedy might be applied to the evil which now existed. In his opinion, where it was clear that prisoners had become insane between the sentence and the time for the execution, there should be a discretion to send the prisoner to a lunatic asylum; but the discretion should be vested in the Home Secretary, and exercised on his responsibility. It was too important a matter to be left to the visiting justices. He himself was at that moment a visiting magistrate, and he should be very sorry to have such a responsibility thrown upon him. The Act should be framed in such a way that where it was pretty clear a man had become insane there should be a discretionary power in the Home Secretary to take evidence in a formal manner, and act upon his own responsibility.

SIR BALDWIN LEIGHTON said that the law relating to insane prisoners was much more frequently put in force than hon. Members seemed to suppose. He imagined that the Secretary of State must receive at least fifty certificates of insanity every year. The average from the gaol of which he was a visiting magistrate was about one a year, and he should be very much surprised if the matter did not meet with the immediate attention of the Home-office—in fact, if an answer was not received by return of post. It was very seldom, however, that a certificate was sent up about a prisoner under sentence of death. In this instance he was certainly surprised at the Derby magistrates who signed the certificates—one of them, he believed, said he did not know much of the law. In most counties there was a certain courtesy among the magistrates which prevented one magistrate from interfering with the visiting duties of another, and in his own county he should be very much surprised if two Shrewsbury magistrates should come into the county gaol on such business, unless asked by the visiting magistrates. With regard to the medical men, they always employed their own gaol surgeon and gaol physician, and he thought that the gaol surgeon, being appointed by the magistrates, should be one of the persons who should sign the certificate, and not any medical man who might anywhere be found. It was said the visiting justices were like other magistrates. But they were selected by their brother magistrates as having some knowledge of their duties, and being likely to attend to them; and therefore they were in a certain sense not like the other magistrates. He would recommend the right hon. Gentleman to repeal the present Bill and bring in an entirely new one, because it was astonishing what trouble it gave the magistrates to have to look after the practical working of two Bills. He was not likely to be ever in a position to arbitrate upon the fate of an unhappy man, but if ever he should be, he should act precisely as the right hon. Gentleman had done; and he believed that there was no Member of that House who was at all acquainted with the course of criminal procedure who would not have acted in the same way.

Mr. BRIGHT: I have heard with a good deal of pain the speech of the hon. and learned Gentleman who has left the House (Mr. Macdonough), who has repeated in the House a great deal of what we have seen in certain newspapers out of it. The hon. and learned Member and the writers in question, who probably represent some portion of the public, seem to be extremely unhappy because a criminal has escaped, not punishment, but a certain punishment which is generally considered to be the most dreadful of all the penalties the law can inflict. I confess that the calamity seems to be—and is, I believe—to the country much less than if an innocent man had happened to be hanged—and therefore I feel a great consolation. I think, if I were in favour of capital punishment—which I am not—I should feel a great consolation that it was not an innocent man that had been hanged, but a guilty man that had escaped a certain punishment which the law apportions to his crime. The right hon. Baronet (Sir George Grey) has made a statement which, I think, to every person who heard it, except the hon. and learned Member for Sligo, must have been a complete justification for his whole course in this matter. The hon. Gentleman who has just sat down has made a statement with regard to its effect on his own mind; and I am rather sorry that the hon. and learned Gentleman opposite (Sir G. Bowyer) has mixed up the case with that of another unhappy man who was executed. That is a question not before this House; the two questions made into one are not before the House; the subject for consideration is the Bill which the Home Secretary asks the House to agree to. I believe there is no man in the House, unless it be the hon. and learned Member for Sligo—and I will not even except him—who, had he been in the position of the Secretary for the Home Department, would have taken any course other than that which the right hon. Gentleman pursued. Why, it is a saying of an ancient writer—and not a Christian writer even—that when the life of man is in debate no delay is too great. And when the right hon. Gentleman had the facts brought before him which were disclosed at the trial, of the notorious insanity of members of the prisoner's family—when he had the, I will not say opinion, but, at least, I may say the doubts of the Judge, which he afterwards received—when he had medical evidence brought before him, besides other testimony other than that of medical men—I say it was impossible for the right hon. Gentleman to take any other course. I did not distinctly hear one part of the right hon. Gentleman's speech; but he referred, I think, to a case which occurred some years ago at Newcastle-upon-Tyne. I speak from memory. It was my fortune at that time to be applied to by medical men at Newcastle on behalf of the prisoner under sentence of death. He, it appeared, being a morose and passionate man, had quarrelled with a tax or rate collector, and, having followed him into the street, had stabbed him in the back and killed him. He was tried, and, if I am not mistaken, the plea of insanity was set up; but the jury, exactly as in the case at Derby, thought that if there was insanity at all it was not the sort of insanity of which the law takes cognizance, and he was accordingly convicted. The Judge who presided wrote to the Home Secretary expressing his doubts as to the sanity of the condemned man, and I think, also, he expressed a stronger opinion in favour of the view of insanity of the man than did the Judge in the case at Derby. An investigation took place, and the result was the same as in the case of Townley—the prisoner was respited, and transferred from gaol to some hospital for criminal lunatics, where, if he is yet living, he still remains. From the time of his removal he remained hopelessly insane. The medical gentleman who generally attends my family was at that time living in Newcastle, and he lately told me that he had had an opportunity frequently of seeing the prisoner in gaol, at times, too, when the man could not see him; and he stated there could be no doubt of his insanity. However, he was tried and convicted; and if it had not been for the interference of somebody who thought he ought not to be hanged, and for the proper view which the Home Secretary took of the case, the man, who was a confirmed lunatic, would have been put to death in the presence of thousands of the people of Newcastle. Townley's might have been precisely a similar case. For anything any one knew, at the commencement of the trial he might have been as complete a lunatic as the criminal at Newcastle. Looking at the case in this light, the right hon. Gentleman could take no other course than he did. And if any additional feeling has been created because it occurred so near to another case in which the execution took place, I can only think that to be very unfortunate. It is unfortunate for the right hon. Gentleman and for a fair view of that case. But I shut that case out entirely. It is most unjust, in my opinion, to associate one case with the other. I have been in Parliament now twenty years, and during that time have been frequently in communication with the right hon. Gentleman the Secretary for the Home Department, as well as with others who have filled that office; and I must say that every man holding it whom I have had occasion to see, and no one more than the right hon. Gentleman, has showed the most intense anxiety to do that which was just, and that which the law and public opinion would sanction in respect of such cases. I have not agreed on several occasions with the decisions which were come to; but it was not my office to decide. My business was to state all the facts I could in favour of a merciful consideration; and I believe that every gentleman who has held the office of Secretary of State has decided impartially in every case, without reference to the consideration, who was rich or who was poor. There must, however, be a difference between the rich and the poor, if you have a law, and if you enforce the execution of that law; because it is clear that in this, as in almost every other situation of life, the poor man is placed at a disadvantage. He cannot bring down a practised lawyer from London, and pay a fee of three hundred guineas; he cannot send two or three keen-scented solicitors to discover every particle of evidence that can be obtained. A poor man, therefore, stands before the tribunal in a different position from the rich—in a position which challenges the sympathy and merciful consideration of every man engaged in the administration of justice, and especially in the case of the penalty of death—a punishment so dreadful, so unlike other punishments, and, still more unlike them, irrevocable. In this case the poor man's position is still worse. It used to be far worse when the execution took place within three days of the conviction. Now, when it is extended to three weeks or a month after sentence, his case is charged with difficulty. An unknown man lies in gaol, and unless some one, actuated by a higher and better spirit, endeavours to rescue him from his doom, he passes to it, and the public know little about it, except from a newspaper paragraph or two from time to time of the progress of the dismal story. It is in the punishment of death that the evil lies. It is inseparable from that punishment that this great and terrible injustice is committed; and there can never be any remedy so long as that punishment remains. There may be more care—but I do not know that there can—and the Home Secretary may be appealed to in the matter; but there can be no remedy so long as the punishment remains. And with regard to the uncertainty of it—the hon. and learned Gentleman said that what was wanted was certainty of punishment. How can you have any certainty of punishment with the punishment of death? It is a remnant of the savagery and barbarism of old times, which has already perished before the enlightenment and indignation of the people as applied to every crime but that of murder; and whether you hang Townley or Wright, or any one else, your punishment is at war with the best and noblest sentiments of the noblest portion of your people. That warfare which you allow to remain year after year, will continue to be a warfare with the best sense of the Home Department and the best sense of our population. I am astonished—and I say now publicly what I said to the Home Secretary in private—I am astonished that there is a man to be found who has held the office for several years to sit down again after his address—for I have seen the agony of doubt which has seized the Minister who has had to decide in these cases—without stating that upon a philosophical consideration of the whole question, he has come to the conclusion, with the approval of his colleagues of the Cabinet, that capital punishments are unnecessary, and without stating that he is able to submit to the House a measure for its abolition. There has been no country in the world in which, for any length of time, capital punishment has been abolished in which there has been an increase of crime. Since that punishment has been abolished in this country for all other offences, crimes have, on the whole, diminished, and the public have gained immensely; and I believe now, as much as I believe anything that I do not know for a fact, or as much as anything that is past, that the abolition of capital punishment in this country would not be accompanied by an increase of murder; but I believe it would tend to make life more sacred amongst all the people, and would cease to subject in the course of a year scores of thousands of your population to the most demoralising and frightful spectacle which it is possible to hold forth to civilized men.

Sir JOHN PAKINGTON said, he wished to make a few observations on the measure proposed by the right hon. Baronet, and upon the case of Townley, which had excited so much public attention, the phases and circumstances of which he (Sir John Pakington) had followed with the utmost care and attention. He believed it would be very satisfactory to the public that this case had been brought forward in the House of Commons and been fairly and impartially discussed, and he must add that he did not think it could have been brought forward in a more satisfactory manner than by the introduction of the Bill which the right hon. Baronet had moved to bring in that evening. He thought that the right hon. Baronet had taken a course the most becoming his position, and that he had done no more than his duty in bringing forward the present measure. He would go further, and say he was of opinion that the right hon. Gentleman would have failed in his duty if he had not, upon the first opportunity afforded him, dealt with what he (Sir John Pakington) must call the bad and objectionable law under which Townley had just escaped the consequence of his great crime. The right hon. Baronet had only to choose one of two alternatives—either to repeal the law altogether or amend it. He (Sir John Pakington) thought there were obvious reasons why it would have been unwise to propose a total repeal of the law, and therefore he considered that the right hon. Gentleman had acted wisely in proposing to amend it. Concurring then in the intentions of the right hon. Gentleman, he was bound to say he thought that the right hon. Baronet could not have made more wise or judicious provisions for the amendment of that objectionable law than those he proposed in his new Bill. The hon. and learned Member for Southwark (Mr. Locke) took an objection to the provision respecting visiting justices, observing that they were not better than other justices, and were liable to the same infirmities. That was very likely; but if it were right to maintain the principle of the enactment of the law, some such power as that proposed must be given to some persons. The law itself enacted that the justices in conjunction with medical men were to exercise the power in question. Surely the hon. and learned Gentleman (Mr. Locke) would not say that the justices were to be selected, as heretofore, by the agent of the prisoner. Some mode of selection must be adopted in confiding this power into particular hands, and he confessed he could not see any better mode than that proposed of entrusting this power to the hands of the magistrates who were in the habit of visiting gaols. And as to the choice of the medical men, he was also of opinion that the right hon. Gentleman was right in leaving it to the visiting justices on their own responsibility. It appeared to him to be of little importance how the medical men were to be appointed, provided they were not selected by the agent of the prisoner. He must now allude to the obloquy to which the right hon. Gentleman was exposed in consequence of the part which he had felt it his duty to take in the case of Townley. It was no part of his (Sir John Pakington's) duty to pay compliments to the right hon. Baronet, but he would tell him frankly he very much doubted whether he would have been so severely attacked if it had not been for the distrust created in the public mind by, as he (Sir John Pakington) ventured to think, the mistaken conduct he pursued in the case of Jessie Maclachlan at Glasgow last year. He thought that those attacks would not have been made upon the right hon. Gentleman but for the serious error he had committed in the case to which he had referred. But, in regard to the case of Townley, he considered it would be an injustice to the right hon. Gentleman, of which he would not consent to be guilty, if he did not express in explicit terms his opinion that he did not deserve the blame that had been cast upon him. The chief attack to which the right hon. Baronet had been subjected was for having acted as he had done in relation to the certificate sent in to him from Derby. Technical objections had been taken against the certificate itself, as well as to the authority of the borough magistrates in the county gaol. The right hon. Gentleman treated with very proper ridicule the difficulty suggested on account of the certificate having been signed on a Sunday. The other objection was of more weight, and turned on the formal question whether the magistrates of the borough of Derby have any authority in regard to the county gaol. But that, he submitted, was not the fair way to look at this question. The Act of Parliament was clear and definite in its provisions, and the certificate was a document in exact compliance with the statute. The proper way to look at the question was this—Would any reasonable or sensible man, in the position of the right hon. Baronet, venture to send Townley to execution in the face of that certificate? If the right hon. Gentleman had taken that course, he would indeed have incurred a grave and serious responsibility, from which any other man in his place would have shrunk. The only course open to the right hon. Baronet, under the circumstances, was to obey the Act of Parliament, and that was the course which the right hon. Baronet had taken. Nor did he think that any blame could be cast upon the attorney for the defence for having availed himself of every means within his power to extricate his client from the fate that seemed to await him. Every person of common sense, however, must feel that Townley had been saved from execution by what he could not call anything better than a juggle or a trick. As to the man's insanity he believed there were not fifty men in England who did not think that when Townley committed the crime, and at that present moment, that he was as sane as any man could be whose state of mind was such as to permit him to commit so atrocious a crime. Up then to the period of the report of the four medical men who went to visit Townley at Bethlehem Hospital, it appeared to him (Sir John Pakington) that the right hon. Baronet had been most unfairly blamed, and that, under the very difficult and painful circumstances, he took the only course that was open to him. In what I am about to add, he was glad to have the sanction of the hon. and learned Member for Southwark (Mr. Locke); but he feared he should not express an opinion which was shared by the public generally. He felt bound to say that he thought that the right hon. Gentleman had committed a mistake in the ultimate reprieve which he granted to Townley. He confessed he could not see upon what principle Townley had been saved at last from execution. They had heard from the hon. Member for Birmingham (Mr. Bright) a great deal of argument in opposition to the punishment of death. But that was not the question before them. Such was the law, and so long as it existed the Government were bound to see it carried out. The case of Townley was a case in which one of the most atrocious crimes on record, without one palliating circumstance, had been committed. Now, if ever a man were to be executed, Townley should have been the man; he was not, and he is not, insane; but his life had been saved by a mere juggle or a trick. And let him remind the House that when writing to the Derbyshire magistrates the right hon. Gentleman distinctly told them to recollect that Townley's sentence was only respited; it had not been commuted. As soon, however, as the right hon. Baronet was at liberty to order the execution of Townley, then the respite ceased, and the sentence of death was commuted to one of penal servitude for life. The right hon. Gentleman quoted a precedent for the course he had taken by referring to a case that had occurred two years before of a somewhat similar character; but he (Sir John Pakington) did not think that that was a fair way of treating so serious a question as the one under observation. The case of Townley ought to be decided on its own merits, in connection with all its circumstances. The shortness of time which had elapsed in the course of the proceedings ought to be borne in mind. Had there not been a special winter assize Townley would not have been tried until March. The right hon. Gentleman no doubt deserved credit for having lost no time in making those inquiries, and in sending a most competent tribunal to inquire into the sanity of Townley's mind at Bethlehem. They reported in favour of the sanity of the prisoner, and the Act really stated that when the sanity was established the punishment was to revive. He was struck by a quotation from *Blackstone*, made by the right hon. Baronet, as to the definition of insanity, and its effect as regarded the operation of the law. It was therein laid down that where insanity was proved execution must be stayed. No one can doubt the propriety of the rule; and it must necessarily be left a matter of discretion, under the circumstances, how far the punishment is to be revived. Seeing, however, that in this case the sanity of the prisoner was placed beyond a doubt, considering the shortness of time which had elapsed, and the atrocity of the crime, he could not but think that justice should have been allowed to take its course. Whilst differing from the right hon. Baronet as to the propriety of commuting the punishment to which Townley was condemned, he felt bound to say that in the case of Wright the conduct of the right hon. Gentleman was characterized by a firmness and determination, under the most difficult and painful circumstances, which reflected upon him the highest credit. He could take no exception to the course pursued by the right hon. Gentleman in that case. The right hon. Baronet had a most painful duty to discharge, and was exposed to a degree of pressure which required the utmost firmness to withstand. The conduct and demeanour of the right hon. Baronet all through those proceedings were most creditable to him.

Motion *agreed to.*

* Bill to amend the Act 3 and 4 Victoria, c. 54, for making further provision for the confinement and maintenance of Insane Prisoners, *ordered* to be brought in by Sir GEORGE GREY, Mr. BRUCE, and Mr. ATTORNEY GENERAL.

Bill *presented*, and read 1°. [Bill 4.]

RAILWAY SCHEMES (METROPOLIS). MOTION FOR A SELECT COMMITTEE.

MR. MILNER GIBSON said he rose to move "the appointment of a Select Committee to consider the best method of dealing with the various schemes for the formation of railways within the limits of the metropolis, which were likely to be laid before Parliament during the present Session." He would shortly state to the House the general grounds upon which it had appeared to the Government desirable to take this course. It would be remembered that, during last Session, a Committee of the other House of Parliament was appointed to consider the Metropolitan Railway Bills that were introduced during that Session, and they made that inquiry a preliminary step before any Bill was introduced in the other House, and in point of fact they recommended that some of the schemes then proposed should be stopped. It had appeared to Her Majesty's Government that if an exceptional course of that kind were desirable in reference to this class of Railway Bills, that at any rate it should be concurred in by both Houses of Parliament, and that a Committee of one House, or a Committee of the other, separately, was not so desirable, as a preliminary inquiry would be by a Committee of both Houses, which would give the weight of the whole of the Legislature to the recommendation. With regard to the Metropolitan Railway Bills of last Session, the House of Lords' Committee of last Session recommended that there should be a Committee appointed for the purpose of subjecting the Metropolitan Railway schemes of that Session to a careful inquiry previous to their second reading, and in all probability the other House of Parliament would again adopt that course, whatever might be the course which the Committee of the House of Commons might this Session agree to. Whether that course of proceeding had been suggested or not by the other House, Her Majesty's Government had thought it desirable that, considering the vast importance of the Railway Bills affecting the Metropolis that were proposed to be introduced this Session—the magnitude of the interests with which they proposed to interfere—the great powers asked by them for taking lands and houses—the great interference that would thereby take place with all the public thoroughfares of the Metropolis during the time the works were under construction, and also the great interference with the drainage of the Metropolis that was threatened, it had appeared to the Government that it was most desirable that, independent of what might take place in the other House, there must be a Committee appointed for the purpose of considering these Railway schemes as a whole, and for the purpose of endeavouring to give to Parliament that advice it might, on the whole, appear to them desirable to be followed, in order that, if Metropolitan Railway accommodation be a necessity of the day, at all events that accommodation should be adopted which, after a careful consideration, would give a minimum amount of interference with local interest with a maximum amount of public advantage. If the other House of Parliament considered last Session, when the number of Metropolitan Railway Bills before Parliament were much fewer in number than at present, and so much less important in character, that a somewhat novel and exceptional course should be taken with reference to them, he thought that House would agree with him, that in the circumstances in which they were now placed, that a preliminary inquiry by a Committee of both Houses was most desirable, and that certain general principles might be adopted or recommended which would be a guide to the various Railway Committees, which would ultimately have to decide on the various schemes that would be laid before them. Such general principles, to have any weight with the Railway Committees, should, he thought, have the concurrence and sanction of a Committee of both Houses of the Legislature, because it was most undesirable that the promoters of Bills should, after incurring large expenditure and succeeding in passing their measures through the Committees of one House, have them rejected in the other, because in all probability some rule had been laid down in the other House which would have the effect of rejecting the Bills for want of non-compliance with it, and the time and money be thereby wasted. He had suggested as a remedy what might at first sight appear to be a somewhat novel course, that of a joint Committee of both Houses; and he proposed, in the event of that House assenting to the Committee, that a Message should be sent to the other House of Parliament requesting them to appoint an equal number of Members of the House of Lords to join with the Committee of that House, so that the Members of both Houses would form a united Committee, and would, if possible, be able to concur in a joint Report. The course proposed, though apparently novel, was not without a precedent, there being instances, though certainly not within recent years, of united Committees of both Houses of Parliament similar to that which he now proposed. The subject of metropolitan railway accommodation was one of vast importance, and he considered the Report of a joint Committee of both Houses of Parliament would have more weight and influence than the Reports of separate Committees, and that the Bills about to be introduced concerned both Houses of Parliament, the recommendations which were to guide the Private Committees should have the authority of both Houses. He had not had an opportunity of communicating personally on the subject with more than two or three Peers conversant with the private business of Parliament, but so far as he could judge, the Members of the other House were likely to take a favourable view of the proposal. He, however, by this Resolution, moved a Select Committee of the House of Commons, so that if the other House declined a joint Committee, still their proceedings, so far as they went, would be complete, and they could make the preliminary inquiry that he had suggested. On examining the Bills that were to be laid before Parliament during the present Session, he could assure the House that the attempt to group them, to put side by side such as could best be considered together, was perplexing in the extreme. Yet the proper grouping of the Bills was a matter of the greatest importance, and it could not be done without the most careful examination. It was not for him to offer any opinion upon the merits of the projected schemes. He would not prejudge any question, but when it could be stated that the estimated expense of the schemes to be considered in the present Session was something like £34,000,000 or £35,000,000 within the limited area of the metropolis alone, and when he was told, as he had been, by a deputation introduced by the hon. Member for Bath (Mr. Tite), that one-fourth of the whole area of the city proper was scheduled for railway purposes, he thought the House would feel that the Government had done no more than their duty in perhaps going beyond the usual practice in private business, and themselves taking the responsibility of recommending a preliminary inquiry by a joint Committee of both Houses of Parliament. He would not detain the House by pointing out the many useful functions the Committee would perform, because it must be obvious to every one that such an inquiry must be most valuable. It might be in their power to indicate certain general principles for adoption—he did not mean a final and permanent system, to suit the growing wants of the population for any definite time, because he knew they could only see but a short distance before them—but they could see some distance in advance, and he said that when parties came to Parliament for compulsory powers to take lands and houses and to interfere with the commercial interests and the property of such a community, that Parliament ought to exercise the utmost caution and take such a course as should appear to them most calculated to secure the public advantage and private interests. He should be sorry to see any crude system of metropolitan railway accommodation adopted, and therefore he hoped the House would agree to his Motion, and it was to prevent those Bills from being handed over to separate and independent Committees, who probably would decide on different principles, and probably give them railway communication of a most anomalous character—one, perhaps, conflicting with another—that he had been induced to bring it forward on the part of the Government. He wished to see adopted, if possible, something like intercommunication within the limits of the metropolis, suited to the present times, without pretending that they could lay down anything final and permanent. It might be that most of the schemes, if not all of them, ought to be carried out, but at any rate let them first have the advice of the joint Committee for the guidance of those of the Committees who would afterwards be called upon to decide on the relative proposals that would come before them, and which would enable them to proceed with their duties with much greater confidence and with a better chance of their taking a more safe and judicious step.

Motion made, and Question proposed,

> "That a Select Committee be appointed to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and if any, what schemes should not be proceeded with during the present Session."—(*Mr. Milner Gibson.*)

MR. CRAWFORD said, he confessed that he had read the terms of the Motion with some disappointment and apprehension, because the proposed order of reference, as he understood its wording, would relegate to the Committee part only of a very large and comprehensive question, which at the present time imperiously demanded a settlement at the hands of Parliament. The effect of the limitation put upon the reference would be that the Committee would be at liberty to bestow its attention only on those particular schemes for which Bills had been sent before Parliament, and that its duty would be simply to determine which of those Bills should be allowed to be proceeded with, and which should be thrown aside, and he had heard nothing in the right hon. Gentleman's speech which tended to allay that apprehension. The present was perhaps the most important subject connected with the metropolis which could be submitted to the Legislature, and whatever interest other parts of the metropolis might have in the question was nothing compared to the vital interest that the City Proper, which he had the honour to represent, had in it, no less than one quarter of its entire area being, as the right hon. Member said, scheduled in the Bills now claiming their attention. Scheme upon scheme was submitted to Parliament for literally destroying the City. The object sought was to get into the City to transact one's business there; but when the City itself was mutilated or destroyed by railways, what business would remain to be done there? That reminded him of the saying of Juvenal, *Propter vitam vivendi perdere causas.* The matter to be considered was not one of mere engineering, it involved many questions of social economy, and the well-being of a very large population, whose interests would be sacrificed if these railway companies were permitted to cut and carve, hack and hew the metropolis at their pleasure. Hon. Members might not be aware of the extent of railway accommodation already existing, and being provided for those who wished for quick and easy access to the City. The great centre of attraction was the spot surrounded by the Bank, the Royal Exchange, and the Mansion House. When the railway schemes now in course of actual execution were completed, when the stations in Cannon Street, in Liverpool Street, and in Moorgate Street were finished, there would be three termini from which persons could walk to the Bank in five minutes. Besides these, there were the Fenchurch Street, the Shoreditch, and the London Bridge stations, from which people could walk to the Bank in ten minutes. Then, again, there were three more new stations at Farringdon Street, Blackfriars, and Smithfield, in course of construction by the London, Chatham, and Dover, and other Railway Companies, so that there would be nine stations in all from which persons could get to or from their places of business in the City. In addition to that they would have the new street to be opened from Blackfriars to the Mansion House, which would go far to obviate the delay and inconvenience arising from any overcrowding of the traffic. He believed that that delay and inconvenience was greatly exaggerated, and was more of a sentimental grievance than anything else. He was himself one of the 700,000 persons who went into the City every morning and left it in the evening, and during the last five months he had not been inconvenienced by a delay of more than five minutes at a time. So much for the passenger traffic. As to the transit of goods, unless they were to have a railway to every man's door the multiplication of railways would not effectually relieve the streets. He contended, then, that the City had now in prospect, from schemes which had already been sanctioned by Parliament, and for which money was being laid out, all the railway accommodation that could possibly be required, and that, therefore, the further reduplication of lines and junctions and stations was not only useless, but positively mischievous. The terms of the present Motion were objectionable, because they implied that railways were the sole remedy for existing inconveniences. No allusion was made to the opening of new thoroughfares. He held in his hand a memorial from the Institute of British Architects, who, perhaps, desired an opportunity of displaying their talents in this matter, and certainly there was nothing like leather. But that memorial, in condemning these crude railway projects, as based on no uniform or recognized principle, as having no reference to the public welfare, but as being merely designed "to serve the interests of the promoters," only stated what was strictly true. He had had occasional opportunities of looking behind the scenes and seeing the manner in which these projects were got up, and he could not think that the parties concerned had much claim to the consideration of that House. It might be said that they had deposited large sums of money, but he maintained that the intentions of Parliament had been evaded. So far as any damage might be occasioned to those parties by delay, they had not much claim for any consideration at the hands of that House, for the deposits were not paid as required, as Parliament intended they should be, out of capital raised legitimately to carry out the undertakings, but with money borrowed for the express purpose of depositing. The House, therefore, should lay aside all idea as to hardship ensuing from delaying this question. Not only were the interests of the trade and commerce of the City here involved, but the well-being of the poorer inhabitants was seriously affected. Anybody who went to see the demolitions going on in Cannon Street for the South Eastern Station would find acre upon acre being cleared, and warehouses, shops, and dwellings of all kinds undergoing destruction. Where were the poor persons who were thus turned out of house and home to go to? Only a few days ago he saw in a paper the report of a case at a Police Court, in which the owner of a house applied to a magistrate to turn out a woman who had been a lodger in his house. She had five children, and no place to go to with them. She could not get a lodging. Her husband worked in the City. She was asked why she could not get another lodging, and her answer was the railways had destroyed all the houses where lodgings could be had. An amount of personal inconvenience, loss, and misery had been inflicted by railways in this way of which the House could have no conception. The very incommensurate compensation that had been awarded by the railways where house property was taken showed the intolerable hardship which had been inflicted. The *City Press* mentioned a number of these which deserved attention. He had observed the case of a publican who had taken the remaining term of a lease and put the premises in good repair. Being an industrious man, he had improved his income; and, after making proper arrangements with his brewer, he suddenly got notice that his house was required for the construction of one of these railways. He went before the Court and claimed compensation, but he was dealt with only on the principle of being a yearly tenant, although the custom of the trade was that a man having a public-house, so long as he behaved and paid his rent, his tenure was equal to a holding of his premises for life. This was only one of scores of cases occurring in the City, in which intolerable hardships had been inflicted. Some provision, he held, should be made in carrying out such schemes on behalf of the poorer classes who were turned out of their houses. Wherever railways dispossessed any considerable number of persons they should be bound to provide other suitable accommodation for them in the neighbourhood. He should, therefore, have been glad if the order of reference in this case had been to consider the whole question of metropolitan intercommunication in connection with these railways.

LORD STANLEY:—Sir, I do not rise to express any opinion upon the subject of metropolitan communication, for that is the very question the Committee is to deal with, and it would, therefore, be very improper for a member of that Committee to prejudge it. What I wish to say is, that I do not object in this particular case to the plan of a joint Committee of the two Houses; but I hope it will be distinctly understood, that if we adopt it on this occasion we do so as an experimental arrangement, and not necessarily to be regarded as a precedent. I say that for this reason. The plan of a joint Committee is practically an absolute novelty. I say practically, for I know there are precedents in existence, but the latest of these dates from 1690, and even before that time joint Committees were not frequent. There are half-a-dozen cases quoted in *Hatsell,* but these joint Committees were altogether different from that which it is proposed to constitute now. In those Committees this House sent a number of Members double that sent by the Peers, and it naturally followed that no divisions were taken and no discussions took place leading to any Report. The business of these joint Committees in former days was simply to investigate evidence, so that identical evidence should be laid before the two Houses. Therefore, what we are doing now is absolutely a novelty. I do not say that in this peculiar and exceptional case of the metropolitan railways it will not be right, but I must remind the House that last year a Committee sat on the subject of Private Bill legislation, and after a good deal of inquiry recommended a different mode of proceeding. It was recommended, to save the expense of double inquiries, to reduce the number of Members serving on each Committee from five to three ; that before that tribunal Bills should be examined into, and that by an understanding between the two Houses, if a Bill passed through Committee of this House it should not, as a matter of course, be submitted to a Committee in the other House of Parliament. A power of rehearing the case was given if it pleased the other House specially to appoint one, but the intention was that one hearing should suffice as a general rule. It was proposed that the House of Lords should accept the decision of the House of Commons, and we should do the same with theirs. I believe, if the private railway business be retained in Parliament at all, that is the only way in which practically to deal with it, and I am sure it is a much better plan than joint Committees. Certain difficulties will attend these joint Committees—for instance, in the choice of a Chairman—and there may also be the risk of a difference between the two Houses if it should happen that a great majority, or perhaps an unanimity, of the Members of one House went one way, and those of the other House went another way. No doubt the case of the London railways is peculiar. It may fairly be pleaded as an exception ; and if you intend only to deal with them I do not object. I think, however, it would have been better, under the circumstances, if for once the general principle of leaving the initiative to private enterprise had been departed from. No doubt the late Sir Robert Peel was right in declining, on behalf of the Executive, to undertake the initiative in railway matters; but the case of London is peculiar, and I think it would have been better if some body, such as a Royal Commission, whose opinion would have been listened to with respect, had, after carefully examining the whole question, laid down a plan without reference to these competing schemes of railway companies. The Government might then have brought forward that plan as their own, to be afterwards carried into effect by any company that would undertake it. In that way we should have had a much more complete and homogeneous scheme than we are likely to have now. But the opportunity for such a scheme seems now likely to have gone by. ["No, no!"] Well, if it is still to be thought of, although I apprehend such is not the view of the House, I can only say so much the better. But what I rose to say was simply to protest against this plan of a joint Committee, except for the special case of the metropolitan railways.

Mr. MASSEY said, he thought that the course which his right hon. Friend proposed to adopt was one warranted by the special circumstances of the case. He did not pretend to say that the Committee would interpret their duty in the restricted sense suggested by the hon. Member for London (Mr. Crawford). He apprehended the functions of the Committee would be to consider some principle or general rule upon which railways in the metropolis could be constructed, and if none of the schemes proposed were in accordance with that rule, the result would be that the Committee would recommend the rejection of these schemes, and the question would remain open. Although he was quite willing that the scheme should be considered by a preliminary Committee before being sent for separate examination by Committees upstairs, he was not quite sure of the soundness of the plan which had been proposed. He agreed very much with the noble Lord (Lord Stanley) in doubting the practical utility of a joint Committee. It might be desirable that Parliament should express an authoritative opinion as to the various schemes for metropolitan railways, and it might also be desirable that the opinion of the House should be expressed concurrently with that of the other House, but there were difficulties in the way of such concurrence. The other House had instituted an extensive inquiry, and had arrived at certain important conclusions. Those conclusions had been communicated to the House in the shape of a Report, together with the evidence upon which it was founded, and he believed there would be a difficulty when a Committee of the House came to confer with the Committee of the other House, they would be invited to examine the question upon the basis of the conclusions arrived at by the other House. He was not prepared to assent to those conclusions. Having carefully examined the evidence upon which those conclusions were founded, he could not agree that the evidence was sufficient to warrant them. The two leading suggestions of the Lords' Committee were two lines of railways encircling the metropolis, one for the heavy traffic, and the other for the passenger traffic. That plan, which was of a very gigantic nature, was calculated, from its symmetry, to recommend itself to some minds, but he could not but think that it far exceeded the exigencies of the case. In the first place, the termini of the great lines were already in communication with each other. Certain works of great magnitude were in progress, some just completed, and the practical test of experience could soon be applied, which would afford the best guide for Parliamentary action. He thought the adoption of a general comprehensive scheme was altogether premature. It would be better to wait until the great works now in progress round London were completed, and then ascertain how far they would meet the object in view, and what, if any, additions would be required. That was not merely his opinion, but it was also the opinion of the most experienced engineers who gave evidence before the Lords' Committee, Messrs. Fowler and Hawkshaw, who had themselves submitted extensive schemes of metropolitan railway communication. Those gentlemen said that so imperfect was the advance of railway science, that a scheme made five or ten years since had become obsolete, and they warned Parliament not to commit itself to extensive schemes, but to go by steps. The House would do well also to notice the statements in the Report of the Board of Trade recently issued, and the opinions expressed by the Directors of the London and North-Western Railway, that the suggestions of the Lords' Committee might be accomplished by means of the lines already constructed and authorized. Surely, after such advice, Parliament would not sanction a wild and extravagant scheme, the carrying out of which would destroy house property of enormous value, and interfere with the great work of sewage, which was infinitely more important than any system of railway communication which, up to the present time, had been suggested. The Report of the London and North-Western Directors was not yet before Parliament, and until it was they would be anticipating their duty in sanctioning extensive schemes such as were proposed by the Committee of the other House. What had been proposed as a desideratum was some scheme to relieve the streets of the metropolis from the overwhelming and daily increasing traffic thrown upon them. The question was, how far railways were calculated to effect that object? They had the experience afforded by the Metropolitan Railway to assist them, and they had been told by the manager of that line that its traffic was almost entirely what was called "omnibus traffic"—passengers, and not heavy goods, being conveyed. The Deputy Chairman of that company had told the Committee that the traffic upon the line was, as far as could be ascertained, new traffic, and that he had ascertained from the omnibus proprietors that their business had not been at all diminished by the railway. The real remedy for meeting the increasing traffic was to provide new streets, and as far as possible widening the existing thoroughfares. He would therefore like the noble Lord (Lord Stanley) to abstain from entering further into the subject, as he understood he was to be proposed as a member of the Committee.

LORD JOHN MANNERS said, he did not think the right hon. Gentleman the President of the Board of Trade need apologize for interfering upon the subject. The regret should be that the interference of the Government had not taken place three or four years since. He fully agreed with his noble Friend (Lord Stanley) that now the question was taken up, the most practical way of dealing with it was by a Royal Commission to inquire not only into the best mode of supplying the metropolis with railway communication, but generally into all the communications, whether by railways, streets, or by the river. He regretted that that course had not been taken by the Government, and even if all the marvellous schemes now proposed were postponed for a year or two he did not think the metropolis would be very much aggrieved. It was ridiculous to talk of the convenience of Yorkshire and Ireland being concerned in attempts to riddle London with railways in the course of the next year. If, however, the Government thought their new-fangled scheme of a joint Committee would meet the requirements of the case, he would not take upon himself the responsibility of opposing it, although he doubted whether anything practical would arise from it. The subject of metropolitan railways must be treated in a comprehensive spirit, but he feared, from the language of the right hon. Gentleman the President of the Board of Trade, that the inquiries of the Committee would be restricted in a manner that would be unsatisfactory to the public, and not at all calculated to probe the question to the bottom. These railways must be divided into two classes—those intended for metropolitan communication, and those intended for the benefit of those who wished to pass through London without the trouble of transhipment. As to the first, if the Committee were only to have regard to railways themselves, the result would be unsatisfactory and shadowy. He agreed with the hon. Member for London (Mr. Crawford), that, to assist the traffic of the metropolis, relief must be afforded by new streets, by the Thames Embankment, and by the River. Cheap river traffic would be more advantageous than any system of underground railway. But when it was proposed, as it now was, to riddle London with railways, for the alleged benefit of those who travelled through London, it really became a question of London against the rest of the community, and the metropolis might be regarded as a besieged city and the rest of the country as an army of besiegers. He was struck with the fact that no gentleman connected with the City or the metropolis, and who might therefore be assumed to be conversant with its wishes and wants, was to be placed upon the Committee. The five Members who were to serve were gentlemen of great ability and experience; but he hoped that the right hon. Gentleman, after hearing the evident opinion of both sides of the House, would give a wider scope to the inquiry, and would place upon the Committee some gentlemen whose presence there would induce confidence in its decisions on the part of the metropolis.

SIR JOHN SHELLEY said, that any person coming into the House during the course of the debate would have been surprised to find that no Amendment had been proposed. The noble Lord opposite (Lord Stanley), and the hon. Gentleman the Chairman of Committees (Mr. Massey), had both attacked the scheme proposed by the Government, and, in fact, no hon. Member who had addressed the House, had concurred in the anticipations of the President of the Board of Trade, that any good could result from the appointment of a joint Committee. He thought that a very small increase of the present railway accommodation was all that was required in the metropolis. If time were given for the development of the existing lines and of those in course of construction, and if the railway companies in general came to an understanding, little addition need be made to the accommodation now enjoyed by the public. What was to become of the wretched individuals who had gone to vast expenditure in promoting new schemes and in making the necessary deposits when money was at 8 or 10 per cent interest? Were they to have their money locked up until the Committee had decided as to the schemes which were not to be sanctioned? Surely the proper course to adopt would be to appoint a Royal Commission, by whom the whole question could be thoroughly considered, excluding from the constitution of that Commission the civil engineer element. Having regard to the fact that the Lords' Committee had already arrived at a foregone conclusion, he thought there was little chance of the proposed hybrid Committee coming to a satisfactory decision. The proper course, he considered, was to move that the debate be adjourned, in order that the Government might have a further opportunity of considering the subject, and he would therefore move the adjournment of the debate.

VISCOUNT ENFIELD said, he rose to second the Amendment, believing that a short delay would prove disadvantageous neither to the public nor to the railway companies. The President of the Board of Trade deserved credit for endeavouring to grapple with the subject, but he did not meet the difficulty in the right way. The Committee of the House of Lords had already pronounced an opinion. But the five Gentlemen who were to be appointed by that House would not have time to devote to so important a subject, and as the promoters of these schemes had paid their money and were anxious for a decision, it was to be feared that a consideration of this fact would make the Committee give a hastier judgment than would be desirable on the question referred to them. On the other hand, a Royal Commission, with no civil engineers as Members, but able to hear these gentlemen as witnesses, would be able to make a more deliberate inquiry, and if a delay of a year or a year and a half took place no one would suffer. On the contrary, it would be more likely that full justice would then be done both to the railway interest and to the public.

Motion made, and Question proposed, "That the Debate be now adjourned."

MR. SCOURFIELD said, he fully concurred in the opinion generally expressed as to the excessive rashness of all the railway plans proposed with regard to the metropolis; indeed, it was a question whether railway extension generally throughout the country should not undergo consideration. As Chairman of the Hartlepool Railway Committee, which sat last year, such irregularities came to his notice that he should be sorry if some steps were not taken to prevent any such irregularities for the future before Parliament sanctioned any great extension of the railway system. Some step ought to be taken to make the deposit system what it was intended to be —a test of the *bona fides* of the scheme. At present, many schemes were got up merely for the purpose of occupying ground and being bought off. With regard to the question, whether the inquiry now proposed should be by a Committee or a Royal Commission, he did not wish to give any positive opinion; but he hoped that, pending the general inquiry, no step should be taken to pass particular schemes.

SIR MORTON PETO said, he thought that the speeches of the noble Lord the Member for King's Lynn (Lord Stanley) and the hon. Gentleman the Chairman of Committees (Mr. Massey) indicated that Parliament was approaching this important subject in a Conservative spirit; and he was further of opinion that if instead of moving the adjournment of the debate, the hon. Baronet the Member for Westminster (Sir John Shelley) had asked for the addition to the Committee of the hon. Member for London (Mr. Crawford), and the hon. Member for Coventry (Sir Joseph Paxton) he would be doing better. The House ought to bear in mind that many of these schemes were duplicate schemes, and that the whole subject was not so extensive a one as on the first blush it appeared to be. He did not think, therefore, that there would be that great difficulty in arriving at a conclusion which some hon. Members seemed to apprehend. On the contrary, he thought the proposed Committee would be able to dissect the subject very soon, and to arrive at a result that would be satisfactory to the House. He believed they could not do better than adopt the proposal of the Government, which appeared to him to be the only plan likely to bring about a union between the two Houses of Parliament. At the same time, he quite agreed with the noble Lord the Member for King's Lynn, that this joint Committee ought not to be adopted as a precedent, but that for general purposes they ought to keep in the path which they had trodden for so many years. He also hoped that the Committee would not be confined within the limits sketched out for them that night by the right hon. President of the Board of Trade, but that they would be able to take into their consideration street communication, and every other auxiliary question bearing on the great question at issue. Railways had produced a great revolution in the metropolis; the greater number of those who now carried on business in London lived out of town; but as yet only the middle classes had benefited by the change. Railway companies had done great mischief to themselves and great injustice to the people by not having put on cheap morning and evening trains for the poor man. Had they done justice to the people in that respect their own dividends would have been greatly augmented. What the Committee would have to do would be to take up the whole subject in the broadest possible sense. He therefore supported the proposal of the Government, and had the greatest confidence in the Gentlemen whom they intended to nominate on the Committee; but, at the same time, he hoped they would add to the names by putting on the Members he had indicated.

MR. SELWYN said, it did not appear to him that there was any necessary antagonism between the proposal for a Committee and the other proposition, which seemed to meet with so much favour in the House—namely, a Royal Commission, which could be appointed subsequently, and which might perhaps form one of the recommendations of the Committee. The proposal of the Government involved, in his opinion, the suspension of the numerous schemes now before Parliament, and to that he had no objection; but he should like to know what were the limits which were to form the boundary of the schemes to be considered by the Committee. Last year the Committee of the House of Lords referred in their Report to "the limits of the Metropolitan Railways," but those limits were not accurately defined. There was another limit—namely, that of the Metropolis Local Management Act; there was then the limit of the Metropolitan Police; and lastly there was the limit of the taxation—especially the Coal Tax—for the benefit of the metropolis. He was not surprised at the panic which had been described by the hon. Member for the City, as existing on the subject of these schemes; but those who lived or had property in the suburbs had a deep interest in the subject also. He was the owner of two small properties in the suburbs, and for the last ten years he had not had one year of peace. This year he was threatened by five railways. The inhabitants of the suburbs were subject to a state of chronic invasion. He thought that the Government ought not to limit the inquiry of the Committee within a narrow boundary. Several of the new schemes were merely junctions, or were intended to be accessories to existing lines. The principles ought to be arranged before the accessories were discussed, and the lines which it was proposed to join ought to be finally settled before the things to be joined to them were considered. The Motion gave rise to a wider question—namely, the mode in which schemes of this kind ought to be dealt with. It might be presumptuous in him to offer an opinion in the presence of Members of larger experience in the House; but he had had a five-fold experience—as petitioner, as opponent, as witness, as counsel, and as Member of Parliament—and, viewed from each and every of those five points, he did not hesitate to say it was difficult, if not impossible, to find a tribunal more uncertain, more expensive, or more unsatisfactory than a Select Committee on a Railway Bill. The right hon. Gentleman (Mr. Milner Gibson) said there would be the greatest difficulty in putting all these schemes into groups. But there would be the same difficulty when this proposed combined Committee had made its Report, and the same difficulty in avoiding decisions upon adverse principles in different Committee rooms. He would suggest that the right hon. Gentleman should define with more accuracy what he meant by the limits of the metropolis, or, at least, give an assurance that dependent schemes should not be allowed to proceed while the main metropolitan schemes were under discussion; and that the right hon. Gentleman and the Government should direct their attention to some plan by which all such schemes should be referred to a more satisfactory tribunal, which by a provisional order, subject to the final decision of Parliament, should relieve landowners from the perpetual vexation of having to oppose the same schemes they had already successfully opposed, though without any other satisfaction than paying their own costs. The plan of provisional orders, afterwards sanctioned by Parliament, had already been adopted in several instances, and had proved successful. With respect to those metropolitan schemes there could be no harm to anybody in a little delay. The hon. Baronet opposite (Sir Morton Peto) had spoken of the hardship to the persons who had made the deposits for these schemes; but there was no real hardship, for in most of the cases the deposits were made in stock, which was borrowed for the time being, the person to whom it belonged receiving the dividends, and a small percentage beside for the use of it; and the result of this practice of borrowing stock was to render altogether illusory the system of deposits which had been devised by Parliament as a protection to the landowners.

LORD FERMOY said, he could say with perfect safety that the constituent body which he represented would be greatly relieved on finding that the Government had taken up this question. He did not fear this exceptional remedy, seeing that the circumstances were exceptional, nor would he object to a Royal Commission or a Committee, provided that either would be of sufficient scope to deal with the subject. If they gave a Committee power enough, they ought to strike out the scheme which was required for the whole metropolitan area. The question of compensation was a matter of great importance, and one which required consideration, for it was no uncommon thing for an industrious, struggling tradesman to be absolutely ruined by such railways as the Metropolitan. A tradesman whose property was not touched might have a railway running in front of him, cutting off his customers from his shop, and he had no remedy. He (Lord Fermoy) did not know whether the proposed Committee would be able to deal with that subject, but it was a question that ought to be dealt with. The schemes which were now before Parliament must be dealt with at once, in order to set people's minds at rest. Fancy a tradesman receiving notices from three or four different companies. He must be in a state of perpetual anxiety, and therefore this proposition of the right hon. Gentleman would be satisfactory to the public. Parliament was called upon to decide at once with respect to the thirty-one metropolitan schemes now before them, and the proposed Committee would not be satisfactory unless it possessed ample powers. He supposed that the Committee, after considering the schemes and taking evidence, would report that evidence to the House, and the House would then be called upon to act. It was very difficult to decide upon a principle with regard to railway schemes, and in proof of this he referred to the fact that Messrs. Fowler and Hawkshaw, in entire opposition to the opinion they expressed last year, were now the great promoters of rival metropolitan lines. In the interest of the struggling middle classes and unfortunate labouring classes, who found it difficult to obtain a lodging, he would say that whilst he was most anxious to promote any measure calculated to overcome the difficulty in which they were placed with regard to metropolitan railways, he thought the right hon. Gentleman the President of the Board of Trade, had taken hold of a subject which would lead him into some embarrassment, and he should be glad if the Government were more explicit as to what was meant to be done in the proposed Committee.

MR. LOCKE said, he thought that his right hon. Friend the President of the Board of Trade, had made the only proposal practicable, and he could not see why the consideration of new lines of streets and of those various railway schemes should not be submitted simultaneously to a Committee. It was true his constituents in Southwark had not much to fear from any of the proposals, for nearly all the harm that could be done to them had been already done. Still he could not help pointing to the fact, that when the Borough of Southwark was about to be cut up, like a chess-board, as it were, only not near so regularly, no one raised a voice of compassion in its favour; but now, when the object was to get to the Bank of England—where everybody, by the way, wanted to go—all this opposition sprung up. He would suggest to this Committee to go across the water and see what had been done in Southwark before they came to any conclusion on these schemes; and, likewise, that they should have power, not only to approve of the construction of certain lines, but to obtain guarantees as to the mode in which they were carried out, so as the public might be protected against such frightful structures as the new viaduct in Southwark.

MR. MILNER GIBSON, in reply, said, he wished to state, in the first place, in answer to the question of the hon. and learned Member for the University of Cambridge (Mr. Selwyn), that he believed there would be no difficulty in determining what was the area that was to be embraced within the metropolitan district. The Royal Commission of 1846 had described what should be the limits of the metropolis, and he had no doubt the Committee would take the area as settled by the House of Lords Committee of last Session, which was an extension of the boundaries traced by the Royal Commission. As to the point of a suburban line being projected, with the view of making a junction with a metropolitan railway which itself was not about to be made, the House would not allow such a Bill to be read a second time. With regard to the question of the order of reference not being sufficiently explicit, he thought it would have been a mistake if they had attempted to define exactly what should be its duties. In attempting definitions very often restrictions not intended were introduced. He believed that the words of the Resolution were sufficient to carry all that came justly within the scope of the inquiry. They had thirty Railway Bills before them, and either those Bills must be read a second time, and referred to Committees in the ordinary way, or some mode of dealing with them must be provided, which would prevent any what might be termed haphazard metropolitan railway communication. The hon. Baronet the Member for Westminster (Sir John Shelley) had recommended that they should throw out all these Bills. That was too strong a measure for him; he should like to have a preliminary inquiry into the various schemes, with the view of ascertaining how, in justice to the promoters and to the public, they ought to be dealt with. A Royal Commission might be advisable, and the Committee might recommend the appointment of a Commission, for it was open to deal with the question referred to them in that way. But they were in the position that something must be done at once; these Bills would come forward for second reading in two or three days, and what he suggested was the parliamentary and rational course of instituting a deliberate inquiry with the view of bringing about a concurrence between the two Houses of the Legislature upon the subject. The Committee would consist of ten Members, five of each House; and he was not inclined to add to the number. Many persons thought that small Committees were quite as likely to discharge responsible duties with satisfaction as large Committees, and he rather inclined to that opinion, in which he was confirmed by those Members of the House of Peers with whom he had communicated in reference to this matter. With regard to the particular Members who should be nominated, he thought it the better course that those who were connected with the metropolitan districts should not form part of the Committee, because they would be placed in difficulties by the inquiry, and would not be so free and unbiassed as those who were entirely unconnected with the metropolis. The noble Lord (Lord Stanley) asked him to be explicit as to his own principles in reference to railway communication in the metropolis, and he must, with all respect, decline the invitation. He was very shy of committing himself to any principles with regard to that most difficult and complicated question; and if he were to commit himself by propounding any bold principle of his own, he doubted whether it would have much weight, and he was sure it would not be allowed in this way to bind the Committee. The Government had no desire to prejudge any scheme, their only wish being to prevent such a mass of legislation being sent haphazard before a number of private Committees. He therefore hoped the hon. Member for Westminster would withdraw his Amendment.

SIR JOHN SHELLEY said, he would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Ordered,

That a Select Committee be appointed to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and if any, what Schemes should not be proceeded with during the present Session.

Committee *nominated*:—Mr. MILNER GIBSON, Lord STANLEY, Mr. MASSEY, Colonel WILSON PATTEN, and Mr. HERBERT.—Power to send for persons, papers, and records. Three to be the quorum.

Ordered,

That a Message be sent to the Lords to acquaint their Lordships that this House hath appointed a Committee, consisting of Five Members, to join with a Committee of The Lords "to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and if any, what schemes should not be proceeded with during the present Session;" and to request that their Lordships will be pleased to appoint an equal number of Lords to be joined with the Members of this House.

RAILWAY BILLS (METROPOLIS).

Ordered,

That Standing Order No. 172 be suspended, as regards all Petitions for Railway Bills authorizing the construction of works within the limits of the Metropolis; and that no Petition for any such Bill be presented to this House until the day after the Report from the Select Committee on "Railway Schemes (Metropolis)" shall have been laid upon the Table.—(*Mr. Milner Gibson.*)

RAILWAY COMPANIES POWERS.

MOTION FOR A SELECT COMMITTEE.

MR. MASSEY said, he rose to move for a Select Committee to inquire and report whether it is expedient that Railway Companies shall be authorized, and, if so, upon what conditions, to construct or enlarge, purchase or take on lease, or otherwise appropriate, any dock, pier, harbour, or ferry, or to acquire, provide, and use any steam vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects distinct from the undertaking of a Railway Company. Although there was a Standing Order in force which prohibited Railway Companies from taking steamboat powers, any Committee could dispense with that prohibition. The result was that great confusion had arisen, and it was now necessary to lay down some rule for the guidance of Committees.

Motion *agreed to.*

Select Committee *appointed,*

"To inquire and report whether it is expedient that Railway Companies shall be authorized, and, if so, upon what conditions, to construct or enlarge, purchase, or take on lease, or otherwise appropriate, any Dock, Pier, Harbour, or Ferry, or to acquire, provide, and use any Steam Vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects distinct from the undertaking of a Railway Company."—(*Mr. Massey.*)

CONVEYANCING, &C. (IRELAND) BILL.

Bill to amend the Laws relating to Conveyancing, Special Pleaders, and Draughtsmen in Equity practising in Ireland, *ordered* to be brought in by Mr. ATTORNEY GENERAL for IRELAND and Sir ROBERT PEEL.

Bill *presented*, and read 1°. [Bill 5.]

JUDGMENTS, &C., LAW AMENDMENT BILL.

Bill to amend the Law relating to future Judgments, Statutes, and Recognizances, *ordered* to be brought in by Mr. HADFIELD, Mr. LOCKE KING, and Mr. POWELL.

Bill *presented*, and read 1°. [Bill 3.]

CONTROVERTED ELECTIONS — GENERAL COMMITTEE OF ELECTIONS.

The Rt. Hon. Sir FRANCIS THORNHILL BARING, baronet; the Right Hon. SPENCER HORATIO WALPOLE; the Right Hon. HENRY ARTHUR HERBERT; Sir WILLIAM MILES, baronet; HENRY KER SEYMER, esq.; JOHN BONHAM-CARTER, esq., to be Members of the General Committee of Elections for the present Session.—(*By Mr. Speaker's Warrant.*)

House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, February 9, 1864.

HER MAJESTY'S ANSWER TO THE ADDRESS.

THE LORD CHAMBERLAIN *reported* Her Majesty's Most Gracious Answer to the Address, as follows:—

My Lords,

YOUR loyal and affectionate Address gives Me the truest Gratification.

I THANK you sincerely for your Congratulations on the Birth of the Prince, My Grandson, and for the renewed Assurances of Loyalty and Attachment to My Person and Family with which they are accompanied.

MY constant Desire is to promote the Welfare and Happiness of My faithful People.

CASE OF CAPTAIN WHYTE MELVILLE.

QUESTION.

THE EARL OF **SHAFTESBURY** said, that last Session he had called the attention of his noble Friend the Secretary for Foreign Affairs to the claims of Captain Whyte Melville on the Government of Peru. The noble Earl then informed him that they had been referred for arbitration to the Senate of Hamburg. He (the Earl of Shaftesbury) wished to know what progress the arbitration was making.

EARL **RUSSELL** said that the last he had heard on the subject was at the end of December. It was then stated that the papers had been laid before the Senate of Hamburg, and had been referred to some very learned persons, who had not yet made their report.

DENMARK AND GERMANY—INTEGRITY OF THE DANISH MONARCHY.

QUESTION.

THE EARL OF **MALMESBURY**: I have given notice to the noble Earl opposite (Earl Russell) by a private note, that I would put a Question to him this evening with respect to the state of affairs in Denmark. I think I need make no apology for this course. Under the circumstances, we are not obliged to wait for the papers, which, in due course, the noble Earl will, no doubt, lay on the table; for really events succeed each other so hurriedly, the future becomes the present and the present the past, with such rapidity, that it is impossible for us to follow all those forms which are usual in these matters in a deliberative assembly. I think, too, that your Lordships will think I am justified in addressing a few words to you on this subject, inasmuch as it is my name which stands at the foot of this much discussed treaty. I wish to state to the House what took place then, inasmuch as in some of the Ministerial journals, supposed to carry great weight with them, statements have been made which misrepresent the real facts. When my noble Friend behind me (the Earl of Derby) came into office at the end of February, 1852, the Foreign Office had been held by my noble Friend—not now present—the President of the Council (Earl Granville), who succeeded to Lord Palmerston on his retirement from office at the end of December. The whole of the negotiations which led to this treaty had been carried on by the Government of which the noble Earl opposite (Earl Russell) was the head, and Lord Palmerston Foreign Secretary. All the negotiations with respect to the sense and text of the treaty had been concluded by the end of 1851, and little remained to Lord Granville but to arrange some of the details. A great deal has been said with respect to the Diet not having been consulted with regard to the treaty in the same manner as other Powers. It is fair to Lord Granville to say, that he did express an opinion that it would be better to get the assent of the Diet; but he was told, and it was constantly repeated to me afterwards, that a reference to the Diet would make the business interminable. Those were the words used; in fact, I have found them in my notes, both by Minister Bismark and Minister Manteuffel. The consequence was, that the idea was completely abandoned, the English Government saying that though they put it forward as a suggestion, they did not require it to be done. It then remained for me only to settle the question of the renunciation by the Duke of Augustenburg. It was evidently very desirable that this renunciation should be obtained, because it was evident that if the Duke renounced his claims for himself and his family, it would not be of such consequence to obtain the assent of the German Diet. On the 4th of May, four days before the treaty was signed in London, the Duke of Augustenburg agreed to terms. Minister Bismark, now the Prime Minister of Prussia, and who is responsible for all that is going on now, as far as Prussia is concerned, was the person who negotiated the arrangement with the Duke of Augustenburg, proposed conditions to him, and made himself and the King of Prussia arbitrators, as it were, on the question. The Duke of Augustenburg was to receive a large sum of money, equal to a sum of £350,000 English money, and in the name of himself and his family he agreed never again to molest the succession in Denmark, as regulated by the treaty. My Lords, I cannot conceive any agreement more solemn than that. Not only was the agreement signed, as many others are, but the Duke thanked the English Government for the part which they had taken in getting that sum of money, for without us he never would have got it, and besides that he promised privately, as well as publicly, that he would maintain the treaty. The first instalment of that sum of money was paid, and I believe the others have been paid regularly at specified times. At that time and during our whole tenure of office we never heard a word of a protest from himself or from his son, the present claimant. The son was more than twenty-four years of age, and he was fully cognizant of what was taking place. If he had protested, or if he had made any objections to the conditions which were proposed to his father, he knew that that sum of money would never have been obtained. Something has been said and written by the noble Earl opposite, with respect to the King of Denmark not having fulfilled the pledges he had given. I agree with the noble Earl that the King of Denmark was bound, as a point of honour, to keep the pledges he then made, and I believe there will be found at the Foreign Office a despatch of mine to that effect. But what shall we say on the point of honour to the Duke of Augustenburg's son, after this sum of money had been conceded, setting fire to this combustible matter, and being, in fact, the first cause of the present state of things? My Lord, that was the whole part which I took in the treaty. I have always considered it a most useful one in an European sense, and I have not changed my opinion. In 1858 my noble Friend (the Earl of Derby) came into office again, and we found the Germans in a great state of excitement on this same question. The Danes did not seem extraordinarily sincere in keeping their promises, and there was a great deal of correspondence and conversation going on in Germany on the subject. During the summer of that year it became my duty to be in attendance on Her Majesty at Berlin; and I can say, without any fear of contradiction, that in all the conversations I had with leading persons there—some of them Ministers of other German States—I never allowed those conversations to pass without insisting, most distinctly, that any interference in Schleswig on these matters must be a European, and not merely a German question. I wrote, too, from Berlin to Mr. Seymour FitzGerald, who remained at the Foreign Office, desiring him to see the Austrian and Prussian Ambassadors, and to impress that upon them. I never found any German statesman during the whole of Her Majesty's stay, pretending for a moment that Germany had any right to interfere in Schleswig on account of the matter in dispute. I am afraid Her Majesty's Government have allowed this to slide from a European question into a German question. It would appear from the latest accounts that the Danes have been defeated; and Schleswig is, I believe, occupied by the Austrians and the Prussians. Under these circumstances I wish to ask the noble Earl, opposite these questions, whether Her Majesty's Government have obtained any guarantee from Austria and Prussia that they will evacuate Schleswig as soon as the Constitution of November is withdrawn? I also wish to know from the noble Earl, whether, in the event of those Powers thinking their treaty obligations abrogated with regard to Denmark, they hold those obligations to be still valid with regard to the other parties to the treaty? I ask this question in consequence of some statements which have appeared in German newspapers, and which are supposed to have been made on something like official authority. Lastly, I wish to know, whether Her Majesty's Government hold Austria and Prussia still bound by their treaty with Great Britain to maintain the integrity of the Danish monarchy?

EARL RUSSELL: My Lords, I think nobody can find fault with the noble Earl for explaining the part he took with reference to the Treaty of 1852; and I have never heard that any one ever blamed the noble Earl for his conduct with regard to this question while holding the office of Secretary of State for Foreign Affairs. It seems to me that finding this great business of the treaty nearly completed, and finding, which I believe was the case, that almost every Power, if not every Power concerned, thought the treaty ought not to be referred to the German Diet, no one could blame the noble Earl for his part in the conduct of the negotiations. And it appears to me now, as it did at the time when the treaty was made, that it was one which, if duly observed, would be very useful in assisting to maintain the balance of power in Europe. The noble Earl has asked me two or three questions; but before I reply to them I must observe that he has taken an erroneous view when he says, Her Majesty's Government have allowed this affair of Schleswig-Holstein, from a European, to become a German question. On the contrary, we always maintained, and I think it has hardly been denied by the most hot-headed partisan of the German Diet, that the question of Schleswig-Holstein must be considered an international question. Schleswig being no part of the German Confederation, any question of the obligations of Denmark towards Schleswig, must be considered as an international question, in which the other Powers of Europe have a right to take part. That being the case, the noble Earl asks me whether we have any guarantee that when the Constitution which was enacted in November last is repealed, Austria and Prussia, who have undertaken the invasion of Schleswig, will then leave that Duchy? In answer to that question, I have to say that we have received no guarantee from Austria and Prussia. With regard to the other question—whether the treaty is considered abrogated as regards the other Powers?—I must, in the first place, say I cannot consider that the treaty would be in any way abrogated by the state of war so far as regards the other Powers who signed it. It is quite impossible that a treaty which was made with France, Great Britain, Russia, and Sweden, would be abrogated as regards those Powers by war between Austria and Prussia on the one side, and Denmark on the other. No such argument has been put forward, but every analogy and every principle militate against the supposition. There is an analogous case—that of the treaty which was signed with the great Powers of Europe and the Ottoman Porte, in 1841, with respect to the opening of the Dardanelles. That treaty was signed by the different Powers who made it with Turkey alone, and with Turkey alone the ratifications were exchanged, as in this case of the Treaty of 1852 the ratifications were exchanged with Denmark alone; but the different Powers have held each other bound, towards one another as well as towards the Porte, to respect the treaty; and when in 1849 it was a question with respect to Her Majesty's fleet, which was alleged to have entered the Dardanelles and violated the treaty, the representative of Austria made a protest to the effect that such a proceeding was a violation of the engagement of 1841, that being an engagement made with several Powers. So much as to the general principle of the law of nations with regard to this case. But as I understand the answer which has been given to us by the representatives of Prussia and Austria, these Powers admit that the Treaty of London is binding on them. I ought, perhaps, to refer to the occasion on which the question was asked of Prussia and Austria. It is reasonable, when any Power goes to war, that other Powers who may suppose themselves concerned in the result should ask the object of the war, for the purpose of seeing to what points the operations are to be limited, and whether any treaty may be affected by them. In that sense it was that the question of Her Majesty's Government was directed to be asked at Berlin with respect to the menaced invasion of Schleswig; and in the despatch written by M. de Bismark to Count Bernstorff on the 31st of January in answer to my question, and communicated to me on the 4th of February, it is stated—

> "The Government of the King, by basing on the stipulations of 1851-52 the rights which in concert with Austria it is proceeding to enforce upon Denmark, has by this very act recognized the principle of the integrity of the Danish monarchy as established by the transactions of 1851-52. The Government of the King, in proceeding to the occupation of Schleswig, do not intend to depart from this principle."

The same statement is made by Count Rechberg on behalf of the Austrian Government in a despatch of the same date. Your Lordships will observe that those words were used at a time when it was intended by Prussia and Austria to invade the territory of Denmark. It was known that there was to be an invasion, and it was also perfectly well known that the Danish Government and the Danish army meant to resist the invasion; so that to say this was an assurance given in time of peace, and that it is rendered null and void by an act of war which took place the next day or so, would be simply ridiculous. An anonymous writer may put forward such statements, but to think that any Government could do so appears to me quite impossible. I may remark that in the despatches to which I have just referred the Prussian and Austrian Governments intimate, that in the event of certain contingencies named therein—namely, the persistence of the Danish Government in its refusal to accomplish its promises of 1852, or the armed intervention of other Powers in the Dano-German conflict—other demands might be made by Prussia and Austria; but at the present time we need not discuss what these demands might be, because those contingencies have not arisen. No doubt Austria and Prussia are deeply bound by the engagements of the Treaty of London;

and I should hold that, even in the event of those contingencies occurring, they would be bound towards the Powers who were parties with them in that treaty—to Great Britain, to France, to Russia, and to Sweden—to maintain and respect the integrity of the Danish monarchy. That I consider to be the effect of the declaration of Austria and Prussia, and certainly that is the opinion of the British Government. The noble Earl was understood to say, that with regard to the papers they would be produced, but he feared it would be some time before he could place them on the table.

The Earl of DERBY: The answers given by the noble Earl to the questions of my noble friend have been clear and distinct, and on the whole satisfactory; but there was one point in the speech of my noble Friend near me which my noble Friend the Foreign Secretary omitted to go into as fully as I could have wished. I was sorry to hear the answer of the noble Earl, that Her Majesty's Government have not obtained any guarantee from Austria and Prussia that, on compliance with their demands on the Danish monarchy, they would withdraw from Schleswig. I repeat, I am sorry that Her Majesty's Government have not obtained such a guarantee; but I hope that their not having obtained it has not arisen from their not having asked it. I hope they have not only asked, but pressed for such a guarantee.

Earl RUSSELL: Her Majesty's Government have not specially asked for a guarantee; but they have always assumed, that when the Constitution is repealed the Austrian and Prussian troops will evacuate Schleswig.

Afterwards—

The Earl of CARNARVON: Before this discussion closes I am anxious to ask a question of the noble Earl (Earl Russell) with reference to an expression in the course of his statement which was not, I think, wholly satisfactory. The noble Earl said that the correspondence with regard to the Danish Question could not be laid before Parliament for some time to come. I quite agree with my noble Friend who introduced this discussion, that one event succeeds another with such rapidity that very often these despatches are of little effect; but there is in the present case this reason why these papers should be produced with as little delay as possible, that the whole position of affairs is really determined by the statements made and the pledges given by the Government in these despatches.

What was the understanding in the House on the first night of the Session? The impression among your Lordships and in the country certainly was, that the Government, by interfering in these delicate negotiations, had brought such an amount of pressure to bear upon Denmark, that she had consented to make sacrifices and surrender points, both in a political and a military sense, which were of vital consequence to her; and that we were thus in honour and good faith bound to support Denmark against Germany. The noble Earl denied that such was the case. We were bound, of course, to accept the assurances which the noble Earl gave, and to wait for the production of the papers; but until those papers are produced, the House is placed in a very embarrassing position. Everything—the policy of the Government in the past and the position of the country in the future — depends upon the statements which the Government have made to Denmark, and the assurances they have given; and the contradictory and perplexing statements which go forth abroad—some official and some semi-official, sometimes affirming, sometimes denying the accuracy of what is said here — render no explanation satisfactory until we can see the papers. I cannot understand why there should be any difficulty in laying them before the House. It is not necessary that the correspondence should be entirely complete; but the House ought to be aware of what has taken place up to the present time. I understand that in another place a delay of three weeks is represented as necessary before the papers can be produced. Now, I really see no reason why there should be a delay so considerable. Our present position with regard to Germany must be determined by that which the Government have said and done; and until the papers are laid before Parliament we must remain ignorant of the position in which we stand.

EARL RUSSELL: The difficulty in producing the papers is a very simple and a very ordinary one, and lies with the printer. Until it became clear that these negotiations would not end in peace, it was not judged advisable to prepare the papers for presentation. We have now, however, put the papers in the hands of the printer, and upon inquiring from him to-day what time they would take to print, he said that they could not be ready in less than three weeks.

UNITED STATES. — CORRESPONDENCE WITH THE FEDERAL GOVERNMENT.

QUESTION.

THE EARL OF DERBY: There is another Question which I should like to put to the noble Earl, but, as I have given him no notice, I will either take his answer now, or repeat my Question on Thursday. The noble Earl, by the command of Her Majesty, has laid various papers on the table of the House, and, among others, the Correspondence with the Government of the Federal States of America on the subject of the *Alabama.* I have seen elsewhere that a considerable amount of correspondence has taken place upon an analogous subject—namely, the remonstrances made as to injuries apprehended or sustained by American commerce from vessels sailing from British ports. I wish to know, whether the Government are prepared to lay upon the table that correspondence as well as the despatches relating to the *Alabama;* and, further, whether they are prepared to produce any correspondence containing representations on the part of the Government of the apparent violation of the law by American cruisers in enforcing their rights, and also with respect to some very curious decisions which have been given by the Prize Courts of the United States?

EARL RUSSELL: I can answer that Question better on Thursday; but if the noble Earl refers to any discussions with the American Government about the iron-clads at Birkenhead, I can only say that as that matter is about to be brought before a court of law, I shall object to produce that correspondence. As the noble Earl has raised that question, I may mention that on the first night of the Session he referred to a despatch of the American Secretary of State, Mr. Seward, and expressed a hope that I had answered that despatch in becoming terms. Now, at the moment I did not remember having seen any such despatch: I find since that it was a despatch written by Mr. Seward to Mr. Adams, but Mr. Adams never thought proper to lay that despatch before me; and therefore I was spared the difficulty and the pain of giving an appropriate answer to it.

THE EARL OF DERBY: I presume that it has now been laid before the noble Earl—because I see that a reference is made by Mr. Adams to the noble Earl as having received towards the latter end of August an answer to several despatches, among which he includes the despatch of

July 11, to which I referred. He could hardly have received such an answer if the despatch had not been presented.

Earl RUSSELL: I certainly do not find among the papers the despatch of July 11, and Mr. Adams informed me expressly that he had received that despatch and did not hand it to me. That being so, I should not do so useless a thing as endeavour to get up a wrangle with Mr. Adams on a despatch which was never presented.

The Earl of DERBY: My reason for asking the question is, that the whole correspondence appears to have been laid before Congress.

RAILWAY SCHEMES (METROPOLIS).

MESSAGE FROM THE HOUSE OF COMMONS

To acquaint this House, That they have appointed a Committee consisting of Five Members to join with a Committee of the Lords "to consider the best Method of "dealing with the Railway Schemes pro- "posed to be sanctioned within the Limits of "the Metropolis by Bills to be introduced in "the present Session, and to report their "Opinion whether any, and, if any, what "Schemes should not be proceeded with "during the present Session;" and to request that their Lordships will be pleased to appoint an equal Number of Lords to be joined with the Members of the House of Commons.

Lord STANLEY of ALDERLEY said, that his noble Friend (Earl Granville) was unable, through indisposition, to be present this evening, but it was his noble Friend's intention on Thursday to move the appointment of a Committee to consider this subject.

Ordered, "That the said Message do lie on the Table."

NAVY.—MARINE ARTILLERY.

QUESTION.

The Earl of HARDWICKE rose to put a Question to the noble Lord the Secretary for War on the subject of our artillery. He wished to know whether Her Majesty's ships were supplied with any guns or projectiles capable of penetrating the sides of a ship armed with plates 4½ inches thick. He believed that was a question which had a most important bearing on the warlike resources of this country. Not many years ago it had been supposed that the substitution of the modern rifle for the old "Brown Bess" had given to musketry so much power over artillery, as to present a most formidable obstacle to the working of guns in the field; and attention was earnestly directed to the question of increasing the range of cannon. A corresponding improvement was immediately afterwards made in artillery itself; and one gentleman in particular, the present Sir William Armstrong, produced a gun which seemed perfectly wonderful in the extent of its range and the precision of its aim. He (the Earl of Hardwicke) remembered the astonishment with which the first intelligence of Sir William Armstrong's invention had been received by the Government of which he (the Earl of Hardwicke) was a member. They immediately entered into negotiations with that gentleman for the purpose of obtaining the services of the inventor in the production and perfecting of the weapon. Those negotiations terminated in a manner which was considered most honourable to Sir William Armstrong, who entered the public service as the head of the department which presided over the manufacture of our artillery. His noble Friend, who was then at the head of the Government (the Earl of Derby), and his noble Friend who was Secretary for War (General Peel), acted with great care and deliberation in conducting their negotiations with Sir William Armstrong, and in providing for the mode in which their views were to be carried into effect. They arranged that the manufacture of the new arm was to be confined to field pieces; and he believed that Sir William Armstrong's field piece was a very valuable weapon. His plan was so to confine the projectile as to give it a much greater range and much greater precision. His guns and his shells were constructed on a new principle, and he had undoubtedly produced a most beautiful weapon. But there started up almost at the same time an opponent to his guns, in the shape of iron-plated ships; and it appeared from experiment, that his artillery was ineffective against such vessels, and it was also found that the old 68-pounder was the best weapon that could be employed with any chance of smashing in their plates. Then appeared before the public another inventor, who produced a gun and projectile upon a principle totally different from the invention of Sir William Armstrong. He did not think the Government had done justice either to themselves or this inventor (Mr. Whitworth) in the course they had pursued towards that gentleman;

and it was not unnatural that it should be so, while they had at the head of their establishment the inventor of the Armstrong gun, and when a sum of, he believed, £2,500,000 had been expended upon the construction of artillery upon his principle. These guns, too, which were useless against iron-plated ships, had, he believed, been supplied to the navy as well as to the army. Mr. Whitworth, who had been well known since 1855 as an inventor of artillery, and who since 1857 had been under the necessity of protecting his inventions by patents, had found it impossible to get his experiments carried out as he desired; but he had been permitted to make certain experiments, and he had in no instance failed to show that he could penetrate iron-plated ships not only with shot but with shell; and thus by his invention the iron-plated ships became as vulnerable as the old wooden vessels had been. That fact alone ought to have earned for Mr. Whitworth a full inquiry on the part of the Government; and we might thus have been relieved from an enormous item in our recent expenditure. Experiments had been made with Mr. Whitworth's gun against the *Trusty*, which was one of the fleet of iron-plated vessels constructed for the defence of our harbours, and by those experiments the power of the gun to penetrate such a ship had been fully established. Sir William Armstrong's gun could not penetrate her sides, whereas Mr. Whitworth's shot went right through the hull, making a clean hole as though it had been punched. Since then experiments had been made at Shoeburyness, when Mr. Whitworth took down a gun, the results of which were marvellous, for every discharge sent the shot—the 70-pound shot as well as the 12-pound—through the target. Up to this time, he (the Earl of Hardwicke) had been speaking of solid projectiles; but he would now turn to what was still more astounding—he meant the shells. Sir William Armstrong, in 1862, at Sheffield, stated that shells had failed against iron-plated ships, and that neither 68-pounders nor 100-pounders, with solid round or conical shots, could be effective against them. The experiments against the *Trusty* were made in May, 1860, and therefore he (the Earl of Hardwicke) assumed that in those experiments no shells were fired. Subsequently, however, Mr. Whitworth's shells passed through the iron target as though they had been so much paper, and exploded, blowing the whole of the internal lining into fragments. Having stated these facts, he asked why they were not investigated? They had here a distinguished inventor who had performed everything he had promised, or if he had failed in any instance, it was because he had to work with one of the old cast iron guns rifled for the purpose of the experiment by himself. And when he saw the condition of our ships, that they were not armed with guns that could effect anything against iron-plates, he was justified in asking for information on the subject. He believed that the Armstrong gun was inapplicable to sea service, and to the sort of firing that was required in action, for the machinery was too delicate—the vent-piece was so perfectly fitted for the purpose of preventing the escape of the gases—that the guns had almost invariably been useless for rapid firing after two or three discharges. Under these circumstances he had to put the question to his noble Friend opposite (Earl de Grey), because he thought it was time that the talents of inventors like Mr. Whitworth should be taken up seriously by the country, and the sooner such a gun as that gentleman had shown he could make was brought into use the better. The question he (the Earl of Hardwicke) had to ask was, Whether Her Majesty's ships were supplied with any guns or projectiles that could at once penetrate a ship's side armed with plates 4½ inches thick of iron?

THE DUKE OF SOMERSET said, that as his noble Friend's question immediately related to the navy, it might be more convenient that he should reply to it, having from the first been acquainted with and taken part in these experiments. When the present Government came into office, in 1859, they found a record in the department strongly approving and praising the gun of Sir William Armstrong, and several of his 40-pounders and 70-pounders had been ordered to be made. He was very anxious, and the same anxiety had been expressed in both Houses of Parliament, that the navy should be supplied with a rifled gun; he therefore communicated with the late Lord Herbert on the subject. A 70-pounder gun was sent to them in November, 1859. It was sent to sea under charge of Sir William Wiseman, who was to report upon its efficiency. It was put on board a vessel called the *Wrangler*, and the persons sent to watch its performance reported on their return from a week's cruise, that, in point of power, accuracy, and, in short, every quality of a gun, the piece appeared to them to be excellent. This gun, though called a 70-pounder, had been provided by Sir William Armstrong with projectiles weighing 100 lbs., which had been fired with perfect safety. Accordingly, a certain number of very similar guns, which were to be 110-pounders, were ordered. In the meantime it was true, as the noble Earl had stated, that the question of armour-plate arose; and it was found when tried at Shoeburyness, that the gun of which the accuracy and power against wooden ships was tremendous had not sufficient power against iron plates. Neither the 68-pounder nor the 110-pounder could penetrate the iron plates. If anything, the 68-pounder struck the heavier blow. He then saw Mr. Whitworth, who said to him that he could produce a gun and projectile that should penetrate the iron plates. The projectile, he said, must be of a very peculiar manufacture, but it could be done. He accordingly communicated with Lord Herbert, who said he was most anxious to try the experiment. They went down the river to the Nore, and had the *Trusty* anchored 200 yards off. Mr. Whitworth was present. The gun was fired, and undoubtedly Mr. Whitworth's bolts went right into the vessel, two shots going clean through the armour plate and the side of the vessel, and had they gone on with two or three shots more they would have sunk the vessel. He proposed to Lord Herbert that they should buy that gun in order that further experiments might be tried. They paid Mr. Whitworth a large sum for it, and they continued to try various other experiments. The misfortune was that in some of their trials the gun was found to have a flaw, and eventually it burst. Still he was in hopes that they should have some more guns supplied. They frequently tried to obtain other guns from Mr. Whitworth. He could assure the noble Earl, so far from favouring any one manufacturer—Sir William Armstrong or any one else—they were only anxious to get a gun that would answer for the navy. Rather more than a year ago he had further communication with Mr. Whitworth, who said that he could produce a gun, but the difficulty was as to the material, to get homogeneous metal; for the gun used at Shoeburyness was not made by Mr. Whitworth but at the Royal factory at Woolwich, on the Armstrong plan of using coiled metal, it being found impossible to make it of homogeneous metal, as was required by Mr. Whitworth. That gentleman's proposition was, that if he could get the homogeneous metal he could make the gun. He (the Duke of Somerset) was most anxious to have a fair trial of Mr. Whitworth's gun, and accordingly more than a year ago a Committee was appointed, and Mr. Whitworth expressed himself satisfied with the members of that Committee. They were to report on the comparative merits of the Whitworth and of the Armstrong guns. Although Mr. Whitworth expressed himself particularly satisfied with the Committee that was chosen, he had never produced the gun, and the Committee appointed to report on the experiments had not been able to meet because they had no gun to report on. He admitted that Mr. Whitworth's invention was very clever, and he had no favour for one inventor over another. All he wanted was a good gun, and if Mr. Whitworth offered one it should be tried. In the various trials of guns and of projectiles it has been proved that the power of penetrating iron-plates depends in great measure on the hardness of the projectile, for no sooner had they got a hardened projectile than not only Mr. Whitworth's but Sir William Armstrong's guns sent both shot and shell through the iron plates. Flat-headed answered no better than pointed projectiles, and the Iron-plate Committee had not reported that the flat-head to the shot was of the slightest importance to the projectile. They were still left in a great difficulty as regarded the navy, for although they had experimental 300-pounder and 150-pounder guns, which would send projectiles through iron plates, they had no good broadside guns for the navy. He was anxious, therefore, to go further, and about a year ago he communicated with his noble Friend at the head of the War Department, and with his concurrence sent for Sir William Armstrong, and told him that while they were going on with their experiments and trying various schemes for rifling, which might occupy their attention for months, and it might be for years, the Admiralty would never get a gun; that they really wanted a plain gun in the meantime for the use of the navy, which they might charge with from 25 lb. to 30 lb. of powder—a gun of about six tons weight. Sir William Armstrong said that that could easily be furnished. Accordingly that gun was produced in September or October last, and the results were very satisfactory. The practice made at from 1,000 to 1,200 yards was most accurate. At 2,600 yards the practice was still good, although inferior to that made by the rifled 110-pounder. As compared with the 68-pounder the interval between the rounds was only 15 seconds greater; the concussion between the decks did not appear to be objectionable; they found no difficulty in training the gun, and when tried in a gunboat it was as easily controlled as the 68-pounder. The gun was considered superior for service against iron-plated ships to any gun they had. They had a report from the gunnery ship that the smooth-bore 100-pounder, with a charge of 25 lb. of powder, penetrated through and through a 5½ inch iron plate with round shot at 200 yards. That showed, that after all the talk about punch-headed shot, what they wanted was a good, hard, solid shot that would shatter iron to splinters and go through the planking inside. The result, as far as it went, was perfectly satisfactory in regard to the broadside gun. A number of these guns had been ordered, and some of them would be delivered in a very few weeks. As there was no complexity in their construction, no breach-loading or rifling, they could be made very fast. At the same time that was not all that they wanted. They required a rifled gun of about the same weight, and this gun is also now made and ready for trial. When they got that they would see whether they gained any advantage by the rifled gun. One advantage they must lose was, that they must have a lower calibre for the elongated shot, and, instead of having a 9-inch bore, they would have one of about 7 inches. They had now got two guns of about the same weight, one smooth bore and one rifled, and after a trial of these two guns it will be ascertained which is fitted for a broadside gun. The greater nicety in the projectiles used for the rifled gun caused some delay; but he hoped in a few weeks to be able to give the House more precise details as to these experiments. The noble Lord would see that although the guns with which the navy was provided were no more than the 68-pounder and the 110-pounder of Sir William Armstrong, yet that they were in the way of making a gun which would answer broadside purposes, and also of getting a gun with rifling. He thought he had now explained the reasons for the slow progress in obtaining guns. The truth was that the whole question of the manufacture of iron was now in a state of transition. Every day they would see new experiments with guns and projectiles. What they wanted was a projectile that would go through iron plates at a reasonable cost. There were many qualities of iron, but they found that only the very best steel would pierce a plate satisfactorily. There was little doubt that in a short time they would be able to send spherical projectiles through iron-plated ships. But when the noble Earl said that wooden ships would therefore be as good as iron ones, he could not agree with him. He was afraid, that whatever they might do, they must still keep to iron-plated vessels; because, although shots might pass through them, yet the inevitable destruction of wooden ships by shells would be such that warfare by such ships against ironclads properly armed would be out of the question. Therefore, while they were increasing the force of their guns, they must also increase the strength of their ship's sides. The last specimen of a ship's side which they had was very considerably stronger than those they had before; and he hoped that the vessels so constructed would be able to go to sea, and keep the sea in all weathers. He thought, then, that they had made all the progress in their power. He was sure that no pains had been spared to do so. The subject was naturally an interesting one, and no one could take it up without desiring to see the progress made in it. Many highly intelligent minds were engaged upon it, and were continually sending in new inventions; and although the Government were so overrun with new projects that if they attended to them all endless delay would ensue, they, nevertheless, desired not to overlook any valuable practical improvement.

THE EARL OF HARDWICKE, in reply, said, he thought that what had fallen from the noble Duke had admitted all that he (the Earl of Hardwicke) had stated in his opening remarks. It really appeared that Mr. Whitworth had long since succeeded in doing all that the noble Duke was about to do with his gun. In Mr. Whitworth they had a man who could produce a weapon and a projectile to penetrate a 4½ in. iron plate, and though they saw the effect of his shot and shell, the Government declined to employ him. The noble Duke had himself turned inventor, and found a smooth-bore gun which sent a spherical shot through an iron-plate. But Mr. Whitworth's projectile was one of a most wonderful description, and with a raking broadside against an iron-cased ship it would be almost as effective as against a wooden one. The noble Duke concluded by stating that all these things had to be tried, and he would therefore earnestly caution the Government against putting into the broadside of a ship a gun weighing six tons, for if he did, those on board would never forget it when they came to work such a gun in a sea. Their Lordships would observe that his question had brought out an important fact—namely, that at the present moment, notwithstanding an enormous expenditure continued during ten years, the Royal Navy was not provided with a single gun capable of penetrating an iron-plated ship.

EARL DE GREY AND RIPON said, he thought the noble Earl had somewhat misrepresented the relations between the Government and Mr. Whitworth. The facts of the case were these:—At an early period, as their Lordships had been informed, the noble Duke at the head of the Admiralty put himself in communication with Mr. Whitworth, and after the successful experiments with his gun against the *Trusty*, the gun was purchased by Government, and further experiments tried with it in 1862. Other experiments were subsequently made with other guns. The most remarkable of these took place at Shoeburyness in September, 1863, when Mr. Whitworth threw his shells through the *Warrior* target. Almost immediately after that experiment, the communication between the Government and Mr. Whitworth still continuing, it was proposed by the noble Duke at the head of the Admiralty and the late Sir George Lewis, that a fresh Committee, composed of persons who had not dealt with the question previously, and against whom Mr. Whitworth could urge no objection on the score of prejudice, should be appointed to consider the relative merits of the Armstrong and Whitworth guns. Concurrent trials between the two guns had previously been proposed to Mr. Whitworth at different periods, but he had invariably objected either to the programme which had been proposed, or to the Committee to which the inquiry was to be intrusted. His real objection was that he did not like the Committee, because he thought some of its members were persons who had approved the Armstrong gun originally, and were committed either by that approval or by subsequent inquiries in favour of the Armstrong gun. In order to meet that objection it was determined, as he had already said, to appoint a fresh Committee. A personal friend of Mr. Whitworth was added to the Committee; another person was appointed to represent Sir William Armstrong; the instructions to the Committee after careful consideration were shown both to Sir William Armstrong and to Mr. Whitworth; and at length the Committee was formally constituted on the 1st of January, 1863. It commenced by taking evidence. That employed it for about three months; but in the meantime it ordered a certain number of guns from each competitor. The guns so ordered were 12-pounders and 70-pounders. After a time the 12-pounders were delivered, but Mr. Whitworth's 70-pounders had not been sent in yet; and from the time when it closed its evidence the Committee had done nothing except repeatedly calling upon Mr. Whitworth to produce his 70-pounders. That was the reason why the inquiry had been stopped. He wished to speak most fairly upon this subject. The reason alleged by Mr. Whitworth for the non-delivery of the guns was the difficulty in obtaining the proper quality of steel which he required. The Committee was appointed by the Government, and instead of its being owing to any delay on the part of the Government that the invention of Mr. Whitworth had not been completely and fairly examined, the delay was with Mr. Whitworth in not bringing forward his 70-pounders. He could assure their Lordships that there was not the slightest disinclination on the part of the Government to inquire fairly into he inventions of Mr. Whitworth. The intventions of so eminent a man of science were mostly worthy of examination; but the Government could not proceed hastily or rashly in such a matter, and all they wished was that Mr. Whitworth would produce his gun in order that it might be fairly tried.

PRIVATE BILLS.

Standing Order Committee on, *appointed*,

The Lords following, together with the Chairman of Committees, were named of the Committee:—Ld. President, D. Somerset, M. Winchester, M. Bath, M. Ailesbury, L. Steward, E. Devon, E. Airlie, E. Hardwicke, E. Carnarvon, E. Romney, E. Chichester, E. Powis, E. Verulam, E. De Grey, E. Stradbroke, E. Amherst, L. Chamberlain, V. Eversley, L. Camoys, L. Saye and Sele, L. Colville of Culross, L. Ponsonby, L. Wycombe, L. Sondes, L. Foley, L. Dinevor, L. Wodehouse, L. Sheffield, L. Colchester, L. Silchester, L. De Tabley, L. Wynford, L. Portman, L. Stanley of Alderley, L. Aveland, L. Belper, L. Ebury, L. Churston, L. Egerton.

House adjourned at a quarter before
Seven o'clock, to Thursday next,
half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 9, 1864.

MINUTES.]—SELECT COMMITTEE—Registration of County Voters *appointed.** (*List of Committee.*)

SUPPLY—*considered in Committee*—Lords Commissioners' Speech *considered.**

PUBLIC BILLS—*Resolution in Committee*—Chain Cables and Anchors.*

Ordered—Appeal in Criminal Cases Act Amendment*; Trespass (Ireland)*; Sir John Lawrence's Salary.*

First Reading—Malt for Cattle* [Bill 6]; Collection of Taxes* [Bill 7]; Church Rates Commutation* [Bill 8]; Chain Cables and Anchors* [Bill 9]; Sir John Lawrence's Salary* [Bill 10].

LORDS COMMISSIONERS' SPEECH. HER MAJESTY'S ANSWER TO THE ADDRESS.

LORD **PROBY** (COMPTROLLER OF THE HOUSEHOLD) reported Her Majesty's Answer to the Address as follows:—

I return you My heartfelt Thanks for your loyal and dutiful Address.

I receive with sincere satisfaction your cordial congratulations on the birth of the Prince, My Grandson, and your assurances of devoted loyalty and attachment to My Person and Family are most gratifying to Me.

You may rely on My willing co-operation with you in promoting whatever is conducive to the welfare and happiness of My faithful People.

FOG SIGNALS AT CAPE RACE.

QUESTION.

MR. **DAWSON** said, he rose to ask the President of the Board of Trade, Whether, in consequence of the numerous marine disasters that have taken place at the entrance of the Gulf of St. Lawrence, any plans for the erection of powerful Fog Signals in the vicinity of Cape Race, Newfoundland, have yet been approved of by the Board of Trade; and whether any expectation may be held out that such precautionary Beacons may be in early operation?

MR. **MILNER GIBSON**, in reply, said, the Government were quite alive to the importance of a good Fog Signal at Cape Race. The Trinity Corporation had for some time past been very desirous of ascertaining whether any improvement could be adopted in the system of Signals, and that with that view they had been making numerous experiments. The results, however, of those experiments, according to the Report on the subject which he had read, did not appear to be very encouraging. It seemed that no Fog Signal had yet been invented, except the gun signal, which could cause sound to be heard at such a distance from land as to be of much use to steamships. If his hon. Friend wished for further information on the matter, he would be happy to lay the necessary Papers to furnish him with that information on the table of the House.

DENMARK AND GERMANY.—RIOTS AT COPENHAGEN.—QUESTION.

MR. **PEACOCKE** said, he would beg to ask the noble Lord at the head of the Government, If there was any truth in the statement that serious riots had taken place at Copenhagen in consequence of the retreat of the Danish army from the Dannewerke?

VISCOUNT **PALMERSTON**: Sir, I have seen statements in the papers of to-day reporting that some very serious occurrences happened at Copenhagen, but we have had no account bearing out those statements. Indeed, they are entirely contradicted by the latest accounts which we have received. When the news reached Copenhagen of the retreat of the Danish army from the Dannewerke, great dissatisfaction was felt and experienced by the people in that city. Everybody knows that it is in human nature—we have seen and may again see examples of it—that those "who live at home at ease" are very ready to condemn naval and military commanders who, in the performance of their duty, amid great dangers and pressing difficulties, are called upon suddenly, and with but little time for consideration, to take a decision on a question involving not only the safety of the men under their command, but frequently the interests and honour of their country. It is not for us to express an opinion as to the military grounds on which the Danish army retired; but its retirement did produce great agitation in Copenhagen, and there were riots in the streets, which, however, were very soon restored to order by the Danish police and soldiers. There is, therefore, no reason to believe that those results which have been mentioned in the papers as having occurred have actually taken place.

UNITED STATES.—THE "ALEXANDRA" AND "ALABAMA."—CORRESPONDENCE. QUESTION.

MR. PEACOCKE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Government will lay upon the table of the House, Copies of their Correspondence with the Government of the United States, and more especially that portion of it relating to the case of the *Alexandra*, and the claim by the United States Government for compensation for the losses inflicted by the *Alabama* and other Confederate cruisers? He also wished the hon. Gentleman to state what course the Government intend to take with reference to this Correspondence?

MR. LAYARD: Sir, I don't quite understand the drift of the Question of the hon. Gentleman. The Question which he has put on the Paper is, Whether the Papers connected with the *Alexandra* case will be laid on the table of the House? As regards the *Alexandra*, I need scarcely tell the hon. Gentleman that the case is still under judicial inquiry, and that consequently we cannot present the Papers to Parliament. As regards the *Alabama*, the Papers have been laid on the table of the House. Since these Papers have been printed others have been received, and I am not aware there is any objection to lay them also upon the table of the House. In regard to any other Correspondence, if the hon. Gentleman will point out to me to what particular Correspondence he refers, I shall be able to give him a definite answer.

MR. PEACOCKE: Sir, I beg to ask the hon. Gentleman if he will place upon the table of the House the answer of Her Majesty's Government to that Despatch of Mr. Seward's, relating to the decision in the *Alexandra* case, which has been laid before Congress and published in the papers.

MR. LAYARD: Sir, I am advised that it is not right that any Papers upon a case under judicial inquiry should be laid upon the table of the House.

SALMON FISHERIES.—QUESTION.

MR. DUTTON said, he would beg to ask the Secretary of State for the Home Department, Whether it is his intention to introduce any Bill amending the Salmon Fisheries (England) Act of 1861, and giving extended powers for the preservation of Salmon in fresh and tidal waters?

SIR GEORGE GREY said, in reply, that a series of questions had been addressed to Fishery Associations and proprietors of fisheries, and until the answers which were now coming in, were received, the Government could not decide whether it would be desirable to propose any amendment of the law during the present Session.

DENMARK AND GERMANY—THE DANISH PAPERS.—QUESTION.

LORD ROBERT CECIL said, he wished to ask the Under Secretary of State for Foreign Affairs, When the Papers upon the Danish Question will be laid on the table? He did not want to know that they would be produced at the earliest day—he knew that already; but he wished to be told the exact or proximate day on which they might look for these Papers.

MR. LAYARD: In answer to the noble Lord I cannot state the exact day; but I am very much afraid that three weeks will elapse before the Papers are laid on the table of the House.

PRISON DISCIPLINE.—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the Secretary of State for the Home Department, Whether it is his intention to take any steps with a view to promoting greater uniformity in the diet and discipline of County and Borough Prisons, or otherwise adopting the recommendations of the Committee of the House of Lords of last Session on Prison Discipline?

SIR GEORGE GREY replied, that steps had been taken to carry into effect some of the recommendations of the Committee. In the month of September he addressed a letter to the Prison Inspectors with reference to certain matters of administration, which were included in those recommendations, and a correspondence had taken place, which might hereafter be laid before the House. A Committee, consisting of three medical men, one of whom was Dr. Guy, was now sitting to inquire whether any alterations might be made in the dietaries of Borough and County Prisons with advantage and safety. There were other recommendations, including one, and not the least important, as to the amalgamation of certain prisons, unfit for the purpose, with County Prisons, which required considerable care and involved much intricacy of detail with reference to financial arrangements. He hoped, however, shortly to lay upon the table a Bill on the subject.

NAVAL ESTABLISHMENT AT CORK.

QUESTION.

MR. WHITESIDE rose to ask the noble Lord the Secretary of the Navy, Whether it was the intention of the Admiralty to extend the Naval Establishment of Cork, so as to render it capable of repairing and refitting Her Majesty's ships?

LORD CLARENCE PAGET said, it was not intended to extend the Naval Establishment at Cork.

WRECK OF HER MAJESTY'S GUN-BOAT "LIVELY."—EXPLANATION.

LORD CLARENCE PAGET said, he would take that opportunity of stating, with respect to an answer which he had given on a previous night to the hon. Member for Berwick (Mr. Hodgson) (*p.* 171) as to a telegram which, it was said, had been sent to stop the *Lively* from going on the cruise on which she was lost; he had since ascertained that no such telegram was sent.

DENMARK AND GERMANY.—TREATY OF 1852.—QUESTION.

MR. DISRAELI: I wish to make an inquiry of the noble Lord the First Minister with respect to an answer which he gave yesterday, which has occasioned considerable perplexity. It was with reference to an inquiry as to whether the Court of Berlin had notified to our Government that, in consequence of the state of war between Prussia and Denmark, it no longer held itself bound by the Treaty of 1852. The noble Lord, as I understood him, seemed to intimate that no such communication had been received by our Government from the Court of Berlin; but at the same time he expressed his opinion, and the opinion of the Government upon such a course of conduct had it been pursued by the Prussian Government. The noble Lord said that he should look upon such a proposition as most unjust and monstrous. [An hon. Member: Preposterous.] Preposterous—a word of nearly the same significance. But the Question asked yesterday was not as to the morality of such conduct, but as to its legality. Having heard the noble Lord's opinion of its morality, I wish to know whether he is of opinion, or whether we are to conclude that Her Majesty's Government are of opinion, that, in consequence of the war between Prussia and Denmark, Prussia may be relieved from the undertakings which by the Treaty of 1852 she has entered into with this country and with the other signataries of that treaty; or whether those engagements on the part of Prussia are not totally independent of any relations which may subsist between Prussia and Denmark? There is another matter referring almost to the same subject, and certainly to the answer given by the noble Lord yesterday, on which I should like to have some information. The noble Lord seemed in that answer to intimate that the German Powers had announced that, when the invasion of the Duchies had been completed, they should be prepared to evacuate those Duchies as soon as all the causes—the avowed causes—for which the invasion had taken place were removed, and their object effected. What I wish to know from Her Majesty's Government, as a second inquiry, is, Whether, before the invasion of the Danish Duchies took place—an event of which due notice was given to the world—Her Majesty's Government obtained from the Governments of Austria and Prussia any undertaking that when these Duchies had been invaded and occupied, when the avowed objects of the invasion were obtained, they would restore the Duchies to the King of Denmark?

VISCOUNT PALMERSTON: I think that what I stated—at all events, what I meant to state—yesterday was, that a notion had been broached in Germany and in some quarters at Berlin, that if a state of war should be established between Prussia and Austria and Denmark, that would release the two former Powers from the engagements of the Treaty of 1852. I stated my opinion upon that point; but I meant to say, or to imply, that that was not the doctrine upon which Austria and Prussia at present take their stand, inasmuch as they have declared, by that paper which was read here and in the other House of Parliament, that they acknowledge the binding nature of the Treaty of 1852, and adhere to the intention of maintaining the integrity of the Danish monarchy. It is therefore clear that they do not contend that their hostilities with Denmark have released them from their engagements under that treaty. But I entirely concur with the view which I infer that the right hon. Gentleman takes; that, even if that condition of things existed between Denmark and the two Powers which could be rationally called war, and which if the engagements had been contracted simply between these two Powers and Denmark, might and would have put an end to that treaty, still the Treaty of 1852 was not a treaty concluded simply between Austria and Prussia on the one hand, and Denmark on the other, but was an engagement which they entered into, in common with the other Powers who signed and the Powers and States who acceded to that treaty, and that they could not be relieved from that common engagement by anything which may take place between them separately and Denmark. That opinion I found not simply upon the reason of the thing. There is a case precisely in point. The five Powers entered into a treaty with Turkey by which they agreed to respect the neutrality of the Bosphorus and the Dardanelles, and that no ships of war of any of the Powers should enter those straits without the special permission of the Porte, and then only under certain restrictions as to number and force. The ratifications of that treaty were exchanged with Turkey, and not among all the Powers who signed it, just as in the case of the Treaty of 1852 the ratifications were exchanged in London between each of the Powers and Denmark, and the Powers did not go through the unnecessary form of exchanging ratifications with each other. When the British fleet entered the Dardanelles at the commencement of the Russian war, Austria protested against that act as a violation of the common engagement which by the treaty regulating the passage of the Dardanelles was taken by all the Powers. An answer was given, which in our opinion was sufficient; but that proved that in the opinion of Austria herself a general engagement taken by many Powers towards one was binding upon all who took it—not simply between each and the party concerned, but as with respect to all the parties with whom that engagement was taken.

Mr. DISRAELI: The answer of the noble Lord leads me to inquire—first, whether what is called the despatch read the other night—a document which, I believe, the House found very ambiguous, and which was treated with derision by the Secretary of State—is the last and only evidence which the Government possesses of the intention of Austria and Prussia to uphold the Treaty of 1852? I also take the liberty to remind the noble Lord that he has omitted to answer the last question I put to him.

Viscount PALMERSTON: I had just discovered my unintentional omission, and was about to answer the right hon. Gentleman's last question. The despatch to which the right hon. Gentleman refers is the last official communication of Austria and Prussia, but I consider it complete as an acknowledgment of the treaty, and of the obligation to maintain the integrity of the Danish monarchy. I was going to say that I unintentionally omitted to answer the last question of the right hon. Gentleman. We have obtained no guarantee from Austria and Prussia that they will evacuate Schleswig when the constitution is revoked. But we have this assurance—they are two Powers who must think their character for good faith is of some value, and the ground—the only ground—on which they have entered Schleswig, and occupied it as a material guarantee, is to obtain the revocation of the constitution of November, so far as regards Schleswig. I cannot but believe, therefore, that when that demand shall have been complied with, they will feel bound in honour and good faith to given up the occupation.

THE CONVICT TOWNLEY.—QUESTION.

Sir FITZROY KELLY asked the Secretary of State for the Home Department, Whether the certificates of the magistrates and medical men, upon which Townley was removed, would be included in the papers to be laid on the table of the House; and if the whole of the papers would be before the House prior to the second reading of the Bill introduced by the right hon. Baronet last night?

Sir GEORGE GREY stated that the papers connected with this case, including the certificates of the borough magistrates and medical men upon which Townley had been removed to the lunatic asylum, would be in the hands of Members before he moved the second reading of the Bill.

ADJOURNMENT OF THE HOUSE.—ASH-WEDNESDAY.

Viscount PALMERSTON: It is usual for this House on Ash-Wednesday to meet at two o'clock, instead of at the usual time. I understand, however, that there is really no business for to-morrow, the hon. and gallant Member for the Queen's County (Colonel Dunne) having postponed, or consented to postpone, the Motion of which he had given notice. It will, therefore, I think, be more convenient that the House, instead of meeting at two o'clock to-morrow, should adjourn till Thursday. The noble Lord then moved,

"That the House at rising do adjourn till Thursday."

DENMARK AND GERMANY.— THE DANISH PAPERS.—OBSERVATIONS.

MR. SEYMOUR FITZGERALD: I cannot avoid taking the opportunity which this Motion gives me to address a few words to the House upon what I will call the extraordinary answer which was given to-night with reference to the Danish Papers by the hon. Gentleman the Under Secretary for Foreign Affairs. That is a question by which the heart of this country is stirred—which agitates nearly every portion of the Continent, and upon which this House and the country are agreed in demanding the most complete information, not only as to the facts that are passing, but as to the conduct pursued from day to day by Her Majesty's Government, and the course they have pursued for weeks past. The hon. Gentleman, being asked when we may expect information on these points, quietly tells the House that no papers at all can be given before a period of three weeks. Three weeks! Why, what may not have happened in three weeks? In the space of three days we have seen the Duchy of Schleswig overrun; we have seen a gallant people beaten down by an overpowering force. And yet on such a question as this the Government tell the House of Commons that they are to remain contentedly in the dark for a period of three weeks! Now, I beg to point out to the House that as regards Japan papers were promised in Her Majesty's Speech; but, respecting Denmark, complete silence was observed, and no information was promised to the House of Commons. And as to the difficulty of publishing these papers, the noble Lord at the head of the Foreign Office, when he chooses to do so, is at no loss for means of giving information to the public as to his policy and the course which he is going to take. We know very well that in the course of the autumn the noble Lord, before the ink of a particular despatch was dry, hurried it off to the *London Gazette*, and in the columns of the *Gazette* it was published even before it reached the Power to whom that despatch was addressed. I think the House will conceive from the answer of the hon. Gentleman and from the course taken by Her Majesty's Government on this subject that they fear discussion. They know very well, with the feeling which always prevails in this House, that there shall be no discussion of any question until the House has ample means before it of forming a junction, and they hope by delay to tide over the critical time, and to avoid a discussion in this House of their policy, and of the course they have pursued. I therefore appeal to the noble Lord at the head of the Government to rectify what I may almost call the tortuous policy of the Foreign Office, and to give us the assurance that, at the earliest moment, the most complete and most ample information shall be afforded to the House of Commons.

MR. LAYARD: I think the hon. Gentleman has wasted a good deal of virtuous indignation. There is no desire on the part of the Government either to avoid discussion or to waste time in this matter. The hon. Gentleman has filled the office which I have the honour to fill at present, and ought to be aware that there is great difficulty in preparing for publication a complete set of papers upon transactions of this kind. In the first place, the hon. Gentleman knows we cannot lay on the table of the House documents communicated by Foreign Powers without first consulting them as to whether or not they desire them to be published. That is a matter of courtesy, and it is a rule which is always followed. I can only say that I saw the printer to-day, and also communicated with the clerks at the Foreign Office. The other night I stated that I hoped these papers would be speedily produced, and I then expected that they could be produced next week; but they are so voluminous that I am assured this is impossible if we wish to present the papers in a perfect form. I have no doubt if the House desires to have them in instalments, portions can be furnished; but I doubt whether the House will thus obtain the exact information which it desires. I can assure the House that every possible speed shall be used in expediting the production of the papers. They shall be laid on the table at the very earliest moment—I cannot give any other answer. But I assure the House there is no intention on the part of the Government to retard even by one day the publication of these documents.

MR. DISRAELI: Sir, I think we have not yet received a satisfactory answer on the part of the Government. The affairs of Germany and Denmark were of so grave a character some time ago, that it might well have been a question with the Government, whether they should not have advised the Sovereign to assemble Parliament at an earlier period. That was the feeling of men of different political opinions. But there are, I know, very grave reasons which might operate to restrain the Government from giving that advice, except under most urgent circumstances. However, if Parliament were not summoned earlier than usual, I think Her Majesty's Government were bound, the moment it assembled, to place in our hands the documents necessary to form an opinion on this all-engrossing and all-important subject,—a subject upon which the question of peace or war, even of a general war, may ultimately depend, and with regard to which at this moment we are completely in the dark. The technical answer of the Under Secretary is most unsatisfactory. He tells us that he went to the printer to-day. Sir, the Under Secretary ought to have gone to the printer long before; he ought to have gone every day and, if necessary, every hour before Parliament met, to the printer for these papers. He ought to have insisted upon these papers being ready to be presented to Parliament the first night. I took occasion on the day Parliament was opened to notice the strange omission from the Royal Speech of any promise that papers on the subject of Germany and Denmark would be produced. What was the answer of the noble Lord? He said his object was that the Speech should not be too long. Yet he found space to insert in that Speech a promise that the papers respecting Japan—no doubt, an interesting subject, but, contrasted with the European question of Germany and Denmark, a matter of comparatively trifling importance—should be forthcoming. There was room for that in the Speech. But when I pressed the noble Lord for these papers, he treated the matter with derision, and said, "You shall have papers; you shall have plenty of them, and I hope hon. Members will study them. I have read a good many of them" (said the noble Lord), "and I have got a surfeit of them." It was clear to me at that time that Her Majesty's Government had no settled determination to present these papers to Parliament. I must draw my conclusion from the omission from the Speech and the tone of the noble Lord's reply; and, I must say, that if the Government had any intention to produce these papers, the non-introduction of them into the Speech was a great inadvertence, and one which I think it would be difficult to vindicate. Practically, I take it for granted that the mass of these papers, either in manuscript or in proof sheets, are now prepared, and that permission to print them has been obtained from all foreign Powers. That is a mere formal affair. The printer of the Foreign Office, who was rubbed up to-day for the first time, was asked how long it would take to complete these papers: and, frightened at the mass of documents before him, no doubt made the same sort of calculation which he would have done if an ordinary thick pamphlet on the Schleswig-Holstein Question—and we have seen many such — were brought to him. He said they would require three weeks to print. But if you have all the materials ready, and the credit of the Foreign Office be at stake, you must endeavour to compensate for former *laches* by distributing these documents into the hands of several printers; and I will be bound to say, with proper diligence, that you might produce these papers to Parliament in eight and forty hours. The House ought to insist on these papers being placed in their hands in forty-eight hours, or otherwise it is relinquishing the fulfilment of a high duty.

VISCOUNT PALMERSTON: The right hon. Gentleman appears to me to have taken a leaf out of the book of the Austrian and Prussian Governments, who called upon the Danish Government to revoke a Constitution in forty-eight hours, when that act could only be performed through the instrumentality of the Rigsraad, which had to be summoned for the purpose. I can assure the right hon. Gentleman—and he may believe me or not, as he likes—that I took it to be so much a matter of course that papers on so important and pressing a subject as that of Denmark and Germany should be laid before Parliament, that I considered it to be surplusage to put it into the Royal Speech. If it is an omission, I am sorry for it; but, so far from its arising from any doubt whether the papers should or should not be presented, I should have as little thought of doubting my own existence as the absolute obligation of the Government to present these papers to Parliament as soon as possible. The right hon. Gentleman, or at least the hon. Member for Horsham (Mr. Seymour FitzGerald), must be well aware of the labour of putting into print writing and a vast mass of documents. It is not only the labour of printing it, but the matter must be looked over afterwards by competent persons, so that no mistakes of the press may occur, and that all be accurately done. My hon. Friend the Under Secretary has said, that if the House desires that this correspondence should be produced in parts, that course may be adopted; and it may perhaps have this convenience, that hon. Members can have time to read Part I. before they are called upon to read Part II. However, I will assure the right hon. Gentleman and the House that there shall be no delay in preparing and laying before Parliament the fullest information that can be required for forming an opinion on the subject.

LORD JOHN MANNERS: I believe the noble Lord, that no unnecessary delay in the delivery of these papers will in future occur; but it is clear from the statements that have been made, that great and unnecessary delay has occurred in the production of these papers up to the present time. It is impossible to doubt that the Government believed that it would be necessary at some time or other to lay these papers before Parliament. But what we maintain is, that there has not been that energy in preparing these papers during the recess that this House and the people of England expected, and which ought to have been shown in regard to papers of such vast and vital importance. They have, in fact, been kept back in the Foreign Office, and are not in that state of preparation in which they ought to have been at the opening of Parliament. I now assume that we shall have the papers far earlier than we were promised ten minutes ago, and I trust we shall not be disappointed in the hope which we are now led to entertain.

MR. HENNESSY: I asked on a former occasion, when the papers in regard to Poland would be produced? I wish now to inquire whether they will contain a certain despatch which is of the utmost interest, because of the importance which is, I am informed, attached to it at Vienna and Berlin, and which has reference to the Danish question? It is a short despatch from Lord Russell to Prince Gortschakoff, which was sent off in the autumn, but recalled by telegram, and which was then sent to St. Petersburg in an altered form. I am informed that Count Rechberg and M. Bismark have called attention to Earl Russell's speech at Blairgowrie, and to the statement, which is believed to have been contained in the original despatch, that the dominion of Russia in Poland was forfeited owing to the fact that Russia had not complied with the Treaty of Vienna. It is stated that Austria and Prussia intend to apply the very same doctrine to the case of Denmark, and to hold that, the conditions of the Treaty of London not having been fulfilled by Denmark, the Treaty of London is therefore void. Now, it is very important to get at that despatch. I should therefore like to know from the Chancellor of the Exchequer whether the original despatch sent from the Foreign Office with the sanction of the Queen, and signed by the Secretary of State, and which, on certain representations from abroad, was withdrawn and altered, will be laid before Parliament?

SIR HUGH CAIRNS: I wish also to put a question relative to papers—to the American despatches. This morning a blue-book has been published, containing despatches on American affairs, some from the other side of the water, and others from the American Minister here. There has been, however, a despatch of great importance and of extremely peculiar character which has been printed in America, and reprinted in the ordinary channels of information in this country. The date of this despatch—that there may be no doubt about it—is the 11th of July, 1863. If I understand it aright, that is a despatch from the American Foreign Minister which was read to Lord Russell, and a copy of which was left with him. It is evident that that despatch is far more material than any that have been laid on the table to-day. I beg to ask whether Her Majesty's Government are prepared to communicate a copy of this despatch, and at the same time the answer of Lord Russell, conveyed either through Lord Lyons or Mr. Adams, or sent direct; or perhaps the hon. Gentleman is prepared to state that no answer was made to that despatch?

MR. LAYARD: When that despatch is communicated to Her Majesty's Government it will be published; but Her Majesty's Government have no knowledge of any such despatch. No such despatch was ever presented to the Government. I do not quite understand the despatch to which my hon. Friend (Mr. Hennessy) alludes; I think there is not; but if he will communicate with me privately, I will see if there is such a despatch, and if there be such a document it shall be produced.

LORD ROBERT CECIL: Do I understand the Under Secretary to say that there is no despatch from Mr. Adams to the Foreign Office, conveying the demands which were made by Mr. Seward, in his despatch to Mr. Adams; and, if there is no despatch, that there is no memorandum of any verbal communication, conveying the same insolent demands?

MR. LAYARD: I presume the noble Lord alludes to a despatch which has been printed in the papers, taken from the papers laid upon the table of Congress, to the effect that compensation will be demanded for the destruction of American ships by any vessel built in English ports. I have already stated, that although that despatch has appeared in the newspapers, it never was communicated by Mr. Adams to Her Majesty's Government, and we have no knowledge of such a document.

LORD ROBERT CECIL: Has no verbal communication passed?

MR. LAYARD: No verbal communication has taken place in that sense, or in any sense resembling it.

Motion *agreed to.*

House at rising to adjourn till *Thursday.*

KAGOSIMA.—JAPAN.—BOMBARDMENT OF KAGOSIMA.—RESOLUTION.

MR. BUXTON, in rising to move the Resolution of which he had given notice,

> "That this House, while only imputing to Admiral Kuper a misconception of the duty imposed on him, deeply regrets the burning of the town of Kagosima, as being contrary to those usages of war which prevail among civilized nations, and to which it is the duty and policy of this country to adhere,"

said, he had two objects in view in bringing this Motion before the House. There could be no doubt that in the eyes of foreign nations the character of England for humanity had greatly suffered by the act in question. It had created a very great sensation abroad, and especially in Holland, on account of the connection of that country with Japan; and, as an American gentleman observed to a friend of his, "when an outcry is made by England about the inhumanity of other nations, we must stop her mouth by the one word 'Kagosima.'" His hope was that the House of Commons would take the opportunity he now afforded it of declaring that, whatever rash things might be done by our officers in any part of the world, it was the deliberate resolve of England to treat other nations, whether weak or strong, barbarous or civilized, with unfailing forbearance and humanity. His other object was of still greater importance. Unless this burning of Kagosima, assuming it to have been purposely done, unless repudiated by Parliament, might become a precedent—a most disastrous precedent—too easily followed, if not by ourselves, still by others, in future wars. The events of the last few years, especially in America, showed that there was some risk that the humane usages by which the harshness of war was restrained, and which had almost become universal, might be set aside so often as to retain but a slight hold over men's passions when roused by war. When the passions of men were roused the temptation to use violence was so great, and men would readily catch at the example of such a country as England. Should Parliament not repudiate the burning of Kagosima, England would have taken the lead in flinging these restrictions to the winds. What he mainly desired was that, instead of allowing this occurrence to be thus misused, we should take occasion from it to declare our unfailing adhesion to those usages of war by which its cruelties are held in check, and to make our officers understand beyond the possibility of a mistake, what were the bounds over which their zeal must in no case carry them. It did not fall within the scope of his purpose to assail Admiral Kuper. Many of his hon. Friends who thought as he did on the burning of Kagosima, considered it a piece of weakness on his part to acquit Admiral Kuper. They were inclined to say to him, as Angelo said to Isabella—

> "Condemn the fault, and not the actor of it!
> Why, every fault's condemned ere it be done;
> Ours were the very cipher of a function,
> To fine the fault whose fine stands in record,
> And let go by the actor!"

Unless he was much mistaken, he should be able beyond denial to demonstrate that Admiral Kuper shelled the town of Kagosima on purpose. That act could only be explained in one or other of two ways. Either it was a piece of cold-blooded cruelty, or else it arose from misconception of what his duty compelled him to do. He (Mr. Buxton) could not believe that a British Admiral would be guilty of a cold-blooded cruelty. But, waiving that, Admiral Kuper was far away, and could not come back for months to defend himself. He was bound, therefore, and the House was bound, to take refuge in the milder alternative, if it could be done without violence to truth. He rejoiced to say that a careful study of the whole circumstances had enabled him to understand how Admiral Kuper might have been misled into the commission of this terrible mistake. It must be remembered that during the period of our intercourse with Japan a long series of atrocities had been committed on Europeans, culminating in a ferocious assault on the British Embassy. For not one of these atrocities had redress been obtained. It was but natural, then, that the English in Japan should feel that when another abominable murder had been committed, and reparation was stubbornly refused, it was not violence but plain mercy to inflict the severest punishment. Under these circumstances, Admiral Kuper was called upon to exact full reparation for the atrocious murder of Mr. Richardson. That reparation was refused, and the fleet was fired upon. Admiral Kuper no doubt felt that he was called upon to make such an example of those by whom his murderers were shielded as would show the Japanese that English life was not to be trifled with, nor the English flag dishonoured, and, no doubt, the distinction between destroying the capital and destroying the palace of the Prince never so much as crossed his mind. They might truthfully assume that Admiral Kuper is not only a gallant sailor but a man of humanity, although he had been misled into this terrible mistake. He was told by some that if he did not assail Admiral Kuper he must lay the blame on Earl Russell. He feared such blame would not be censure, but calumny. But was the shelling of the town purposely done? He had done his best to look into the question with candour, and he had come to the conclusion that the town was purposely shelled. The noble Lord the Secretary for the Admiralty (Lord Clarence Paget) went down last autumn to address his constituents, and he composed two clever theories for their gratification, the one of which did honour to his head, and the other to his heart. Owing, however, to the imperfections of human nature, the statements of hon. Members during the vacation were not always strictly accurate. The first theory of the noble Lord was this —that as the fortifications lay between Kagosima and the sea, in engaging the batteries, a typhoon blowing at the time, many of our shells went over, and so the town got burnt. That was not only a plausible theory, but was partly true as to the first day's proceedings. Many shells on the first day did thus fall into the town; but eye-witnesses proved other shells were thrown in purposely. But it would not hold at all with regard to what took place on the second day, because, as it was vouched by one who was there, so completely were the batteries on the Kagosima side of the bay silenced on the first day, that we were told that not one of those batteries which were engaged on the first day fired a shot on the second, as the fleet passed by them at slow speed. He entreated the attention of the House to this important point, that on the second day the batteries were silenced and the town lay unresisting, defenceless, before the guns of the fleet. He should prove that it was on that second day that what remained of the town from the first day's conflagration was shelled and burnt. The noble Lord's second theory might be stated in the form of a syllogism. He said no British Admiral could do a cruel thing; it was a cruel thing to bombard a town; therefore no British Admiral could bombard a town. But he (Mr. Buxton) said Admiral Kuper was a British Admiral, Kagosima was a town, therefore Admiral Kuper could not have bombarded Kagosima. The logic of that was unimpeachable; but that syllogism, like many other syllogisms, the logic of which was unimpeachable, exploded at the touch of facts. As a matter of fact we knew that Admiral Lambert, contrary to the orders of Lord Dalhousie, bombarded and burnt Rangoon. Again, there was a noble Lord on that (the Treasury) bench (Viscount Palmerston), and there were many right hon. and hon. Gentlemen about him who might have reasons more or less pleasing for remembering the bombardment of Canton. In the Crimean war the allies proposed to bombard Odessa; and, again, last year the following piece of evidence was given before the Ordnance Committee. A certain Commodore, whose name I will not bring forward, sent one of Her Majesty's ships up to the Feejees to levy a fine on the inhabitants of a town called Kemova, for robbing and ill-treating certain British subjects—

> "I told him to allow a certain time for the payment of a fine, and if it was not paid to burn the town down. He carried out my orders, and, previously to landing with his men for the purpose of burning the town, he very properly commenced to clear it by shelling it with Armstrong 12-pounders."

These facts showed there was no flagrant *à priori* absurdity in the idea that a British Admiral might bombard a town. The argument that Admiral Kuper did not shell the town on purpose consisted entirely of those two surmises. Against them he would, first of all, bring the evidence of Colonel Neale and Admiral Kuper themselves. Well, what says Admiral Kuper? On the day before the action, addressing the Japanese Envoys, he said, "The settlement of this matter can no longer be delayed. Kagosima is at my mercy. Hostilities once commenced your town will be destroyed, and I should stop your trade both here and on the Loochoo Islands." Colonel Neale says:—"Such is not our wish; but if you compel us, why it will be your own fault." On the 26th of August Colonel Neale, who had been on board the Admiral's ship during the action, in his despatch to Lord Russell, after speaking of "the spirited incidents and all-sufficient results which attended the combat at Kagosima," said—

> "Thus I have the satisfaction to report to your Lordship that the instructions with which I have been charged, having reference to the outrage of last September, have been carried out in letter and in spirit."
>
> "In respect to the Prince of Satsuma * * * after long forbearance, his capital is in ashes, his foundries destroyed, and his steamers burnt. It remains for me to trust that Her Majesty's Government may deem that my instructions have been thus fulfilled in a manner best adapted to the difficult circumstances with which I have been, and still continue to be, surrounded."

Not a word was there to hint, however remotely, that the capital being laid in ashes was the result of an accident—not a word to hint that he so much as dreamed of regretting it. The burning of the capital was treated by Colonel Neale not as an accident but as an achievement. He came now to Admiral Kuper's own words. In his despatch, after mentioning the destruction of the palace, he went on to say:—

> "The fire, which is still raging, affords reasonable ground for believing that the entire town of Kagosima is now a mass of ruins."

And he concludes his despatch—

> "Thus having accomplished every act of retribution and punishment, and having received the expression of your (that is, of Colonel Neale's) satisfaction with the extent of this operation," &c.

Supposing this town of 180,000 people had been accidentally burnt, was it conceivable that such a dreadful incident could have been spoken of by Colonel Neale, and likewise by Admiral Kuper, without the faintest shadow of a word to imply that it was an accident, and without the faintest expression of regret? But if any doubt could still remain, it was utterly dispelled by this plain fact—that six private accounts of the operations had been published, each of which, except the first, described the shelling of the town as a distinct part of the operations. He would now proceed to read extracts from letters from officers and men engaged, which had been published. One of them, addressed to the *Japan Herald*, from one who had been himself engaged, said—

> "About dusk the town was fired in several parts by our shells;" and added, "About nine o'clock the whole of one side of the town was blazing."

An officer on board the *Euryalus* kept a log from hour to hour, which had appeared in the *Japan Commercial News*. One entry in this was—

> "3.30 p.m.—Cleared for action, engaged batteries on both sides, firing shells at Satsuma's house and town. 5 p.m.—Ceased firing; observed the town to be on fire to the south of Satsuma's house."

Another writer, who had also been engaged, mentions that the *Argus* and *Coquette* went to the assistance of the *Racehorse*, and "continued firing on the town and the battery to the left of it." The account went on—

> "The *Racehorse* floated about half-past five, the *Coquette* and *Havoc* continued shelling the town till dark," adding, "The destruction of property must have been enormous."

On the same day—

> "12.30 p.m.—The fleet weighed again, and proceeding under slow speed, commenced shelling the batteries and town as we passed them at long ranges. No more than twenty shots were fired by the batteries, all of which fell harmless. The town again took fire to westward."

Another gentleman, who gathered his account from the officers and men, wrote—

> "The *Euryalus* soon got her guns in order, and the 110lb. Armstrongs did dreadful mischief to the town, the factories, and foundries; and on Sunday afternoon the fleet steamed out, engaging the batteries and shelling the town the whole time."

The artist employed by *The Illustrated London News* also said, on the first day—

> "Half the town was burnt. At night the fleet anchored, the batteries ceased firing, and the *Perseus* sent in a rocket now and then to keep up the fire. The next day the fighting was continued, the batteries were silenced, the remainder of the town was burnt, and Satsuma's castle battered with shot and shell. The fleet then steamed out, and left what was Kagosima a mass of ruins and flames."

A letter from a sailor said:—"On the second day we attacked the town and shelled every house we could see." To sum up the proofs that the town had been burnt on purpose. It was quite clear that there was no weight in the argument that a British Admiral could not do such things, because in the last ten years three British Admirals, besides other Admirals, had bombarded towns. Then the destruction of the town was predicted, it took place, and was spoken of not only without regret but with satisfaction; not as an accident, but as an achievement. Six accounts were sent to different papers, and each account expressly mentioned the shelling of the town itself as having been a part of the operations; while, on the other hand, the vehement discussion in the newspapers upon this topic during last autumn had not elicited one single line written by anybody that could indicate that this feature of the operations was accidental. He said then, that all this amounted to a demonstration that the town was purposely shelled.

He ventured to assert with little fear of contradiction, that the burning of this town was a direct transgression of those usages of war which prevail among civilized nations, and to which it was right and wise above all for England to adhere. In saying that, he was perfectly aware that there was no abstract principle of international law which forbade a belligerent to destroy private property; no one could claim compensation in a court of law for injury done to his private property by an enemy. But he did maintain without fear of contradiction, that it was the usage of civilized nations in conducting war to spare private property on land, except in cases of absolute necessity wholly different from the one he now alluded to. He had carefully examined all the *dicta* on this point of the leading modern writers upon international law — and let him, in passing, say how much in doing so he had been indebted to the guidance of his friend, Mr. Godfrey Lushington—and he could assure the House that so far as he could discover, there was an universal consent among writers on international law on this point. He would only quote three or four sentences. Kent, in his *Commentaries*, said—

> "That a conqueror who destroys private dwellings, or public edifices devoted to civil purposes only, violates the usages of modern war."

In Marten's *Law of Nations* it was stated that—

> "Even in taking a fortress, except in cases of necessity, it is now admitted that the besiegers are to direct their artillery against the fortifications only, and not intentionally against the public edifices or any other building."

He would not trouble the House with passages which he held in his hand, taken from Twiss, Heffter, Wheaton, Klüber, Phillimore and Grotius; but he could not refrain from quoting the words of Vattel, who said that—

> "The destruction of towns was a measure odious and detestable, unless absolute necessity, or at least cogent reasons, demand it."

And he added these remarkable words—

> "But as the perpetrators of such outrageous deeds might attempt to palliate them under pretext of deservedly punishing the enemy, be it here observed, that the natural and voluntary law of nations does not allow us to inflict such punishments except for enormous offences against the law of nations, and even then it is glorious to listen to the voice of humanity and clemency when rigour is not absolutely necessary."

He did not think that the House would be impatient if he concluded these extracts with a sentence from Lord Bacon—

> "The wars are no massacres and confusions, but they are the highest trials of right; and in the proceedings of the wars nothing ought to be done against the law of nations and the law of honour."

He could not pass from this part of his subject without reminding the House of the profound indignation which was excited all over Europe, and which was so loudly expressed by the whole press of England, headed by *The Times*, at the throwing of Greek fire into Charleston by General Gilmore last autumn; and so too, again, at the bombardment of Palermo by that miserable King whose nickname ever after reminded the world of the atrocity. Yet in each of these cases the bombarded town was fortified, and was standing out in arms against him who deemed himself its lawful sovereign. He hardly needed to remind the right hon. Gentleman the Chancellor of the Exchequer, the Attorney General, the Home Secretary, and others, of the splendid eloquence with which they denounced the bombardment of Canton by Admiral Seymour. But then it might be suggested that there were peculiar circumstances in the present case which justified a departure from the ordinary usages of war. There were peculiar circumstances in the present case, and he thought that he should be able to show that, in so far as these circumstances were unusual, they counselled, with singular force, to forbearance. It must be remembered that from the outset they had placed themselves in a perfectly false position with regard to Japan. For more than 300 years the Japanese had been a most peaceful, prosperous, well-governed, and contented people. All they asked was to be let alone—to be allowed to be happy in their own way. In former days they had received foreigners, not only willingly, but with cordial hospitality; but the result had been that they found their religion and their institutions in jeopardy, and they were forced for their safety's sake to drive foreigners from their shores. Nor could it be denied that a singular degree of well-being had followed upon that policy. The English, by forcing themselves upon them by the terror of arms, as Sir Rutherford Alcock shows we did, were invading the natural rights of the Japanese to manage their own affairs, and to do what might seem best to themselves for their own security and welfare. Here again the British were acting in defiance of the rules of international law. "China and Japan," says Halleck—

> "For a long time declined all commercial intercourse with other nations, and even now permit only a very restricted trade. The question was at one time discussed, whether this people could not be compelled to open their ports to foreigners; but, as a question of international jurisprudence, it scarcely merits consideration."

Now, he was not complaining of our having gone to Japan. He thought that as other nations had thrust themselves upon the Japanese, and had apparently been well received, the English could hardly have stood aloof; but he thought it was both rash and harsh to force ourselves upon the metropolis. He had no doubt that the wise policy would have been to have kept to a few commercial ports, and that even now it would be wise to retire from Jeddo if that could be done with dignity. But the British certainly had no abstract right to be there. Neither did he excuse the chicanery and violence by which the Japanese nobles sought to extricate themselves from a treaty which they abhorred. That treaty, too, appeared not to have been legally executed according to Japanese law, as it was not signed by the Mikado or the Japanese nobles. No doubt the murder of Mr. Richardson was a very shameful crime. At the same time, as Mr. Fortune informed us, the Tycoon's Government had not yet been able to abolish that ancient law of 300 years' standing, in virtue of which licence was given to slay foreigners wherever they might be found. The Bishop of Victoria also, in his book written before the murder of Mr. Richardson, warned us of the probable consequences if Englishmen should so far transgress the usages of the country as to stand upright in the road — much more to remain on horseback in the road—while all the native population was on its knees, during the passage of the great Prince of the Empire. That might be a shameful custom, but if it were the custom and the law, we should not blaze out with furious indignation, should any of our countrymen fall victims to their own temerity in trampling on the usages and insulting the feelings of the native princes of the land. He understood, too, that the Japanese authorities had earnestly begged that no Englishman should go out upon the road during the passage of this great Sovereign Prince. He hoped he should not be misunderstood; he regarded that murder as a wicked crime; he allowed that it was not only just and politic, but essential, to obtain reparation for the murder of an Englishman; but he maintained that there was nothing in the peculiar features of this case to justify us in resorting to an extraordinary excess beyond what the usages of war allowed in vindicating that outrage. It must be remembered that we had already obtained from the Tycoon the payment down in hard cash of the vast sum of £100,000. Not only that, but the Tycoon had amply apologized and had made some important concessions. And, again, one of our demands upon the Prince of Satsuma was a demand which it was absolutely impossible for him to grant. It was stated by Colonel Neale himself, that the chief agent of the outrage was the father of the Prince himself. "His retainers," says Colonel Neale, "but obeyed his instructions;" and Colonel Neale goes on to observe, "No power that has yet been brought to bear is calculated to coerce the Prince of Satsuma to deliver his father up to condign punishment." He should think not, and he was not ashamed to say he should hope not. He might be wrong, but it seemed to him, that however much it comported with the wisdom and dignity of England it might have been to ask a Sovereign Prince to deliver up his own father to be hanged, however wise it might have been to make such a demand, and however right it might have been to enforce such a demand by the destruction of his men-of-war, his foundries, his fortifications, his factories, the shops of his subjects, and his own palaces—he was inclined to doubt whether the occasion required the last finishing touch of laying his capital in ashes. He feared, however, that what influenced many in defending these proceedings was the feeling that the Japanese were beyond the pale of civilization, and that in dealing with nations in that condition it is justifiable to use measures from which we should, of course, refrain in dealing with our equals. That feeling appeared to have existed in Admiral Kuper's mind, to judge from his conversation with the Japanese

Envoys. He told them, with what seemed a grievous want of delicacy of feeling, to remember, "That we are one of the first nations in the world, who, instead of meeting civilized people as they thought themselves, were in reality encountering barbarians." The Japanese Envoys had too much self-respect to vouchsafe a reply to this sally, but simply rose to leave. He must be allowed to say that from his heart and soul he repudiated and abhorred the idea that in our dealings with less civilized nations we were to be ruled by a more lax code of morals than that to which we should own allegiance when we came in contact with the nations of Christendom. It seemed to him that it was one of the first and foremost axioms which an English statesman ought to obey, that we should treat those who were weaker than ourselves, or who stood on a lower footing than ourselves in point of civilization, with forbearance as generous and with justice as rigid as that which we exercised towards any of the great Powers. However, in this case it was a mere illusion, showing nothing but the ignorance of those who held it, to suppose that the Japanese are, to use Admiral Kuper's phrase, barbarians, who could only be amenable to rough usage. No one who had studied thoroughly what we know about Japan but must allow that they have attained a rare height of civilization. No doubt in some respects they were far from being what they ought to be; but even as regards that laxity of morals, which is their worst trait, he could help being reminded of Burke's saying, that "Vice itself loses half its evil in losing all its grossness." All writers swelled the chorus of admiration for the Japanese. The Bishop of Victoria told them that his own intercourse with the people led him to regard them as a friendly race, accessible, frank, manly, energetic, and polite. Mr. Fortune, who saw more behind the scenes than perhaps any other traveller, spoke with enthusiasm of the Japanese. Even close to Yeddo, which contained 2,000,000 human beings, he said—

> "The scenery was always changing and always beautiful, hill and vale, broad roads and shady lanes, houses and gardens, with a people industrious, but unoppressed with toil, and apparently happy and contented."

Mr. Oliphant said—

> "Each day gave us fresh proofs of the amiable and generous character of the people. We were filled with astonishment and delight at the exquisite taste displayed in the gardens and cottages by the roadside."

He dilates upon the universal taste for reading—even the common soldiers, when on duty, were continually engaged in reading. It is impossible, he says, to compare the general social well being of Japan with that of any other nation, and not admit that Japan will gain by the contrast. Surely such a people ought to have been treated by us, in the early days of the intercourse we had thrust upon them, with the utmost possible tenderness, instead of with an extreme of violence and rigour.

So much for the peculiar circumstances of the case. Nor could sound policy be alleged to justify this violence. If the feeling of the people was with us, and it was the Princes who wanted to keep us away, surely our true policy would have been to do all that we could to foster that good feeling of the people themselves, whatever we might do with the Princes. But, of course, if we went and destroyed one of the chief cities, we aroused all the sympathies and patriotism of every class against us. The Japanese, if we were to believe Admiral Kuper, were barbarians. But there was a deal of human nature even in barbarians; and it was not in human nature to be friendly to those who knocked their neighbour's house about his ears, and might very likely do the same thing to them. He expected that a great deal would be made of the news in to-day's paper, that the Prince Satsuma had paid the indemnity and made certain concessions. In fact, some hon. Gentlemen had been good enough to condole with him, that his friend Satsuma had taken all the wind out of his sails. He was not prepared to admit that even the payment of £25,000, garnished though it might be with certain other unknown concessions, was enough to give a country like England perfect satisfaction for having—he would not say committed a great crime—but, he would say, having inflicted a great calamity. He wanted to know what were those other concessions? Was the Prince of Satsuma's father to be hanged? Or were those retainers to be hanged who, as Colonel Neale told us, only did his bidding? The Japanese warned us that if they executed anybody at our command, as a matter of course they would execute the wrong men. Had his hon. Friend the Under Secretary for Foreign Affairs got wrong men executed for a crime they did not commit? A rumour had come lately from China, and a highly probable rumour too, that the Prince of Satsuma had ordered from America rifled guns to the value of £200,000. Worse than that, other rumours reached us, which were confirmed by Colonel Neale's despatches, of probable civil war between the Daimios and the Tycoon. Is that success? Is it true policy for us to plunge that country, lately so peaceful, so prosperous, into anarchy and intestine war? Sir Rutherford Alcock also warned us emphatically of the tremendous undertaking it would be should we go to war with the Daimios. Unless we chose to land troops and follow them into their mountains, the only thing we should be able to do would be to make a holocaust of the towns and villages on the coast. He lamented to see that in one of Colonel Neale's most recent despatches, written a month after the destruction of Kagosima, he said, "It might be imperatively necessary to fall back on the powerful aid of Her Majesty's squadron, and urge on Admiral Kuper the necessity of entering on a systematic and serious series of hostilities." A systematic series of hostilities! He asked again, was that success that we should be plunging into a systematic series of hostilities with the unhappy Japanese? A great responsibility rested that night upon this House, that it did not shrink from letting our Admirals know that, at least, we will not permit massacre and conflagration. It was mournful to think that the flag of Christian England should be the herald, not as it should be, of peace and goodwill toward men, but of anarchy, of tumult, of fire, and sword.

He had now, he hoped, shown that this act was condemned by the usages of war, that it was condemned by all that was peculiar in the circumstances of the case, that it was condemned by sound policy. He was sorry for the length to which he had been carried, but he should not be satisfied to sit down without reminding the House in a few words of the intense misery which this act must have wrought among the innocent people of Kagosima. No doubt, those who ignorantly spoke of the Japanese as barbarians may, with equal ignorance, tell me that Kagosima was a mere collection of flimsy hovels, which could be burnt down and built up again, and no one be much the worse. The fact, however, was that Kagosima was one of the chief cities of the Japanese Empire, and its factories, its foundries, its palaces, its fortifications indicated that it abounded, like the other chief cities of the Empire, with evidences of the high refinement, civilization, and intelligence of that extraordinary people. No Englishmen had ever set foot in Kagosima, but Mr. Oliphant visited one of the small towns near it belonging to the Prince of Satsuma, a town of only 3,000 or 4,000 inhabitants, and he describes how in the bazaars there was so much displayed, and it was all so beautiful and new, that as he walked through the brilliant avenues his mind was quite stupified with admiration. He wished those who intended to talk in that way would glance over the pictures in those works on Japan which he had with him, and they would then see that though on account of earthquakes the houses were built of timber, with bamboo poles and paper partitions, and did not as a general rule rise above one story, the woodwork was of a solid kind, and they were full of picturesque and graceful ornaments. Remembering all this, and also what travellers told us of the amiable and generous character of the men, of the gentle demeanour of the women, and the bright charm of the children, he confessed he could not think without a pang of seven British men-of-war throwing shells broadcast into a city of 180,000 of these people, and that with effect so rapid and so terrible that before nightfall half the town, we were told, was in a blaze; and the flames, said an eye-witness, "leapt from street to street, leaving ashes and desolation behind them." "By ten o'clock on the first night," said another, "the extent of the conflagration was over a mile in length. The destruction of property must have been tremendous" In short, within 24 hours of the firing of the first gun, "we steamed away," said one, and a more pathetic sentence I have not heard for some time, "we steamed away, leaving what had been Kagosima a mass of ruins and flames." "The destruction of property must have been tremendous!" Destruction of property! Can we soothe ourselves with the hope that it was property alone that perished? Why, in such a population as that there cannot have been less than 30,000 little children; there must have been thousands upon thousands of sick, of aged, of infirm, of women labouring with child. It was appalling to think what must have past in those first awful hours, when the shells were rushing overhead and exploding among the dwellings, and the flames, bursting at once from a hundred centres, roared in the hurricane and leapt from roof to roof. We could but too easily imagine the volumes of blinding smoke, the shrieks of those whose escape was cut off, the anguish of those whom no effort could save, the terror and despair of that vast multitude as it surged through the blazing streets. But was that all? To find an army of 30,000 men in shelter and food has before now, as we know too well, overtasked the energies of a great nation. We know too well what sufferings, horrible and heartrending, its failure may cause. Who was there under that sky so noted for its winds and rains and winter's storms to find shelter for those outcasts? Who was there to stay the hunger of that mighty host, with its tens of thousands of gentle women and tender little ones—who had escaped indeed with their lives from that gulf of fire, but who stood there on the hillside as our fleet steamed away from that mass of ruins and flames that had been Kagosima—stood there in mute despair, employment gone, trade at an end, their all swept from them, themselves starving, houseless, desolate? He claimed from the Government, as an Englishman, —he claimed it as a right, that they should that night do all that in them lay to clear the fame of the country from the blot that stained it, and to ward from us, in the days that are to come, the doing of such deeds. The hon. Member concluded by moving the following Resolution—

> "That this House, while only imputing to Admiral Kuper a misconception of the duty imposed on him, deeply regrets the burning of the town of Kagosima, as being contrary to those usages of War which prevail among civilized nations, and to which it is the duty and policy of this country to adhere."—(*Mr. Buxton.*)

MR. AYTOUN said, he rose to second the Motion. He would not follow the hon. Member for Maidstone (Mr. Buxton) into the traditionary history of Japan, and the aversion which the inhabitants undoubtedly had to the presence of foreigners; but it was plain that they knew enough of the history of our proceedings to convince them that a general permission to us to trade and settle there would involve them in anarchy and misfortune. The Japanese were not ignorant of our proceedings in India. They knew well enough that we first settled there as humble traders, and then under the pretence of punishing injuries inflicted upon us, we acquired the territory of the people. They knew also that under the specious pretence of relieving the people from oppression and tyranny we had extended our conquests, deprived princes of their territories, and advancing step by step we had never ceased until we had become masters of the largest portion of the country, and of an empire which had no parallel in its extent since the dissolution of the Roman Empire. Could any one doubt that such considerations had operated powerfully upon the Japanese mind? Could any one doubt that the treaty which gave us permission to trade with them had been extorted by fear? Could there be any doubt that the Japanese had yielded to it from dread of the consequences which might have resulted from resistance to the power of England? Hitherto the representatives of the Foreign Office had declined to discuss this question, simply because the Tycoon's Government, with which the treaty was made, was a *de facto* Government. In his opinion, they had only avoided the discussion of the Japanese question because they were satisfied in their minds that the conduct which our Government had pursued towards Japan could not be justified. But whatever might be the cause, it was clear that the treaty had produced a powerful feeling of discontent in the minds, not only of the nobles, as Earl Russell seemed to suppose, but of the people of Japan. There was another most important question—what had been the conduct of our own merchants in that country? He was afraid they had not conducted themselves with that moderation and with that respect for the feelings of the natives which they ought to have shown: on the contrary, it had been eminently calculated to aggravate that discontent. They had also evinced a great disregard for the interests of their own country. It seemed to be a matter of indifference to them how heavily the taxpaying people of this country were burdened to support them in the arrogant course which they had adopted. They had abundance of evidence of it. For instance, there was the conduct of the merchants who, under fictitious names, demanded at the Japanese custom-house large quantities of the gold coin of the country in exchange for dollars. Then there was the affair of Mr. Moss, who was no doubt guilty of the crime imputed to him. Instead of being punished, after he had escaped through a mere legal technicality, the deep feeling of the British community in that country was shown in his favour in a most unmistakable manner. It was said that any pecuniary fine imposed upon him would have been paid at once, because subscribed by his friends. The arrogant spirit prevailing among the British population had been shown on another occasion lately. In one of the despatches it was stated that there was an intention on the part of the Japanese Government to construct a new road along which the Daimios might pass, in order that no collision might occur between them and foreigners. The British representative, upon the request of the Japanese Government, recommended that British subjects should not travel along that road for three days; whereupon a a number of the English residents wrote a letter complaining in very decided and arrogant language of the course the British representative had thought proper to pursue. There was another point which ought not to be forgotten—namely, that the evidence of what was passing in Japan was *ex parte*, coming as it did from persons who were interested in making out a good case for themselves. Our representative himself had not always treated the Japanese Government with the moderation and consideration to which it was entitled. On one occasion there was a scarcity of silk in one of the ports, and a despatch was written by our representative calling the attention of the Japanese Government to the subject, and suggesting that the scarcity had been occasioned by a systematic arrangement of certain monopolisers at Yeddo, and stating that it was currently reported—reported only—that the Japanese Government had arrested several merchants, and that one had lost his life because he pleaded to be allowed to sell silk. When such a spirit was manifested as that existing among the foreign residents, and when our representatives were encouraged by the Foreign Office in the adoption of such high-handed courses as had been pursued in Japan even before the late deplorable events, it was impossible that friendly relations could be permanently continued. The unfortunate murder of Mr. Richardson having occurred, the Foreign Secretary took steps for obtaining redress, but the method he adopted was of a very extraordinary character. In the debate in the other House towards the close of last Session, Earl Russell said it was his intention to impose a heavy pecuniary penalty on the Tycoon, and at the same time was, through the Admiral, going to compel Prince Satsuma to give redress for the wrong which had been done. He (Mr. Aytoun) could not imagine how Earl Russell could consider it his duty to punish both the Tycoon and the Prince Satsuma. If the Tycoon was *de facto* ruler of Japan, why did he not ask him to enforce punishment? and if he was not able to execute justice in his own country, then he was not *de facto* ruler, and ought not to be punished at all. His hon. Friend who moved the Resolution said that he did not blame Earl Russell. He (Mr. Aytoun) did not wish to express censure of any one in particular of those who had been guilty of the horrible outrage which had plunged the people of Kagosima into misery, and brought disgrace upon the British name, but he would refer to some of the despatches. The first despatch in the "blue book" was from Earl Russell, and was dated from the Foreign Office, Dec. 24, 1862. It contained the following passage:—

> "If Daimio Satsuma should not immediately agree to, and carry into effect, the terms demanded of him, the Admiral should go with his own ship and with such others he may think fit to take with him, or he should send a sufficient force to the territory of the Prince, which I have been informed is a peninsula on the most southernly point of the island. He has a fort, I am told, at the south-west end of the Island of Kiusiu. The Admiral or senior naval officer will be better able to judge than Her Majesty's Government can be, whether it will be most expedient to blockade this port, or whether it will be possible or advisable to shell the residence of the Prince."

He would compare that with a despatch of Earl Russell addressed to Colonel Neale, in which he announced to him that he had been made a Companion of the Bath. Earl Russell said:—

> "Her Majesty has been pleased, in testimony of the patience, good temper, and firmness with which you have conducted this negotiation (referring to the recovery of the £100,000 from the Tycoon as an indemnity), to confer upon you the Companionship of the Order of the Bath. The accomplishment of the remainder of your instructions has been found more difficult."

Earl Russell then went on to refer to the answers which had been received from the Ministers of the Prince Satsuma. He said:—

> "These answers in reference to a murder committed by the retainers of the Prince in full daylight, ten months before, upon a person who had not in any way impeded the passage of a public road, showed a fixed determination to afford no redress. Vice-Admiral Kuper then directed that three steamers belonging to the Prince should be taken and retained by way of reprisals. But before any further communication could take place, hostilities were commenced by the Japanese, and Her Majesty's ships were fired upon from the batteries with shot and shell—an act which it became necessary immediately to resent. The steamers taken were burnt. The batteries were fired upon from point blank range; many guns were dis-

mounted, and various magazines exploded. It is much to be lamented that as the batteries were apparently situated in and about the town, the consequence of firing with shot and shell upon the batteries and magazines should have been to set fire to the town, which Admiral Kuper says has been burnt. Many innocent persons have thus unfortunately been injured. At the same time, it is obvious that if Admiral Kuper had not returned the fire of the batteries, Her Majesty's squadron would have suffered a defeat, and fresh murders of British subjects by the cruel and insolent Daimios would have been perpetrated."—*Correspondence*, p. 100.

The effect of this despatch was to defend what had been done on grounds which it was utterly impossible to maintain. Earl Russell said that the taking away of these steamers as reprisals led to the conflict which took place. He (Mr. Aytoun) admitted that if the proceedings had been confined to the first day, deplorable as was the result, that was a ground of defence; but Earl Russell entirely ignored the fact that the town was assailed on a second occasion. How it could be a defence for the operations on the afternoon of the succeeding day, when the fire was kept up by Her Majesty's ships, passed his comprehension. The fact was, that the conduct of the British was entirely indefensible, and he hoped the Under Secretary for Foreign Affairs would be able to throw some light on the subject. There was one other quotation he would make from the blue-book, which showed that the probability of such an event as the destruction of the town was present to the minds both of Colonel Neale and Admiral Kuper before the attack commenced. It was to be found in the memorandnm of a conversation which took place between them and the agents of Prince Satsuma, on board the *Euryalus*. Admiral Kuper said—"The settlement of this matter can no longer be delayed. Kagosima is at my mercy, and if hostilities are once commenced the town will be destroyed." Colonel Neale added —"Such is not our wish, but if you compel us to do it, it will be your own fault." It might be said it was easy to find fault, but difficult to suggest a remedy. He would reply, that if the Government, in sending out representatives, instead of enforcing the single idea that we had a treaty, would impress upon them the necessity of not sacrificing every consideration of policy and humanity, and of the interests of our trade as regarded the ultimate result, he believed we should avoid the bloodshed which was impending if we were to drive the Tycoon's Government to desperation by demanding the rigid fulfilment of a treaty in all its provisions.

Motion made, and Question proposed.

MR. LONGFIELD rose to move the Amendment of which he had given notice, the distinct object of which he said was to free a most meritorious and worthy officer, with whom he had not personally the slightest acquaintance, from a very grave imputation sought to be cast upon him by the Resolution of the hon. Member for Maidstone. He thought the House would agree to the Amendment, and would not accept any of the three courses or alternatives submitted to them by the hon. Member, and would not admit that he had been "cold-blooded and cruel," or that he had made "a grave misconception of his orders," or "a terrible mistake." All admitted that this was a most unfortunate affair; but why was the whole of the blame to be cast on Admiral Kuper? Admiral Kuper, he believed, was not a native of England; he was not highly connected; he had not been decorated with the Order of the Bath; he had no friends save what the justice of his case he hoped would now rally to his side. That being so, the hon. Member perhaps supposed that the gallant Admiral might be hit as hard as he pleased; but he (Mr. Longfield) would show the House that from first to last not the slightest blame attached to Admiral Kuper, that he laboured under no misconception of orders, that he understood them well, that he obeyed them, and concerted measures according to the letter and spirit of the instructions he received. The papers narrating this tragedy, in which a town of 200,000 inhabitants had been reduced to ashes, many lives lost, and a vast amount of property destroyed, opened with a despatch by Earl Russell. It appeared that a gentleman named Richardson was killed —"murdered" it was called; but when all the circumstances were taken into consideration, it appeared to him that manslaughter would be the more correct term. Premeditated murder it certainly was not. A gentleman rudely disregarding the custom of the country in the respect paid to Princes travelling in the road, was cut down by the attendants of the Prince whom he had offended. He gave the hon. Member (Mr. Buxton) all the advantage of the strong epithets which Earl Russell crowded into one little sentence, such as "barbarous murder," "barbarous assault," an event "which filled Her Majesty's Government with great and just indignation." To the demands for reparation the Tycoon from time to time replied, in language which certainly showed as much civility as that with which he had been addressed by the British Minister, that the assault was one of those sudden affrays in which there were great facilities for the escape of the actual offenders, that he was taking every means to apprehend them, and that he would make all the reparation in his power. In the papers Colonel Neale stated that the tone of the Ministers of Japan with whom he came in contact on this question was most conciliatory. Earl Russell, in his despatch of the 24th, laid down his ultimatum—namely, that the head of the Japanese Government should expiate the offence which had been committed by what some would think nothing more than an exaction—namely, the payment of a sum of £100,000, while the Daimio was to be mulcted in the sum of £25,000. The object of making such a demand seemed to be not so much the execution of summary justice upon those who committed the crime in question, as the provoking of hostilities which would give Colonel Neale, Her Majesty's Consul at the place, an opportunity of making a moral demonstration of power, which he several times expressed a desire to do. The instructions given to Colonel Neale were, that if the Prince of Satsuma refused to agree to these terms, he was immediately to proceed to such measures of coercion as he might deem best fitted to carry out the object in view; and the despatch stated that the Admiral or Senior Naval Officer, on proceeding to Kagosima, would be a better judge than Her Majesty's Government could be of the steps it was most desirable to take; and "whether it will be most expedient to blockade the Prince's port, or whether it would be possible or advisable to shell the residence of the Prince." The Correspondence showed plainly the interpretation that was put upon the despatch by the person whose duty it was to communicate it to Admiral Kuper, and would prove that the Admiral carried out not only the letter, but the spirit of the instructions which he received. Colonel Neale was of opinion that the Daimio was one of the principal persons who objected to the residence of Englishmen in Japan, and he thought that an admirable opportunity offered of obtaining reparation for the murder, and also of "pushing a trade," to use the words of a commentator upon the occurrence. A blockade, it seems, was not possible, so that the second was the only alternative left him. Colonel Neale seemed also to have been impressed with the idea, that to humble this independent Prince would be acceptable to the Japanese Government; for in a letter to Earl Russell, Colonel Neale expressed his

> "Conviction and opinion that the hardest blows we may be forced to strike should be directed against this Daimio, so thwarting to the Tycoon's Government in its relations with foreigners, and so directly connected with the perpetrators of the outrage for which redress is sought. The scene of hostilities would thus also be removed to a distance from the Tycoon's court and capital, while the news which would percolate throughout the empire that Satsuma had been humbled in his independent career would afford, I have reason to believe, actual satisfaction to the Jeddo Government."—*Correspondence*, No. 25.

The correspondence showed that it was Colonel Neale, acting for the Foreign Office, who gave orders to the Admiral. In writing to the Japanese Ministers he distinctly informed them,

> "In the event of the refusal, delay, or evasion of the Prince of Satsuma to carry these demands into immediate effect, such measures of coercion will immediately be adopted against him as the Admiral may judge best calculated to obtain the reparation demanded."

He gave orders to the Admiral, he knew the consequences of those orders, and the burning of the town was effected with his knowledge, in his presence, and with his sanction; and yet the hon. Member for Maidstone wished the House to pass a resolution accusing the Admiral of a total misconception of his orders. There was no misconception whatever in the matter. The orders were clear and precise. Colonel Neale, no doubt, believed that the steps he resorted to were warranted by the letter of Earl Russell; he advised everything which the Admiral did, he sanctioned all that occurred by his presence, and expressed his unlimited satisfaction with the result. The Japanese Ministers themselves had previously warned him of what was likely to follow his demand. In the letter of the Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale, dated 8th April, 1863, they say,

> "As regards your man-of-war going to the domains of (the Prince of) Satsuma, and there entering into discussion, it is such that, you understanding the state of affairs in this empire, it needs no further communication; therefore it is

to be feared whether the said undertaking may not originate an unexpected calamity."—*Correspondence*, No. 28, *Inc.* 3.

These fears were only too well founded. Colonel Neale did not act without having been duly forewarned. The negotiations went on, and at length Admiral Kuper received orders from Colonel Neale to adopt such prompt coercive measures of reprisal, and such other measures as he might deem expedient to punish the Government of the Tycoon for breach of faith. On the 14th of August the Consul and the Admiral had an interview with the Japanese Ministers. Admiral Kuper informed them that, hostilities once commenced, the town would be destroyed. "Such," said Colonel Neale, "is not our wish; but if you compel us to do so, it will be your own fault;"—thus adopting and sanctioning the threat made by Admiral Kuper. The next day hostilities commenced by the seizing of the Prince's steamers. The batteries on shore thereupon fired upon the squadron, and then the fire was returned by the directions and in the presence of Colonel Neale, who represented Her Majesty, and was superior to the Admiral, who was bound to carry out his orders. Was it to be tolerated then that Admiral Kuper was to be made the scapegoat of others, whether of Earl Russell, who should bear some of the blame, or of Colonel Neale, who should bear the rest of it. His (Mr. Longfield's) object in rising was to vindicate a gallant officer from the grievous imputation cast upon him—an officer who was doubly unfortunate in having had to perform a duty which was no doubt repugnant to his feelings, unfortunate in being the instrument of such savagery, and in the attempt now made to sacrifice him in consequence. He hoped that the Amendment would have the support of all who could realize what it was to be placed in a position of responsibility under such circumstances, and who were not willing that an officer should be degraded in order that the Government might escape. The hon. Gentleman concluded by moving the Amendment.

Sir JOHN HAY said, he had great pleasure in seconding the Amendment. He considered the grave imputations sought to be thrown upon Admiral Kuper by the course taken by Her Majesty's Government, and by the speeches made by some hon. Members during the debate, reflected no credit upon the Government or upon those hon. Members who endeavoured to cast discredit upon an officer placed in a difficult position, and who had carried out the most unpleasant duty imposed upon him by the barbarous orders of the Foreign Office in a manner which had done violence to his feelings, but reflected credit on his judgment and skill. The attack upon the town of Kagosima was the culminating point of the course of policy Her Majesty's Government had chosen to adopt in the East. Not long ago he called attention to an attack made upon the town of Tringanu in the kingdom of Siam, and the policy pursued in that case was identical with that which had been acted upon in the present instance. The right hon. Gentleman the Secretary of State for India said, no one could be more anxious than himself to prevent transactions of a questionable character, such as he admitted the attack upon Tringanu to be. But on Christmas eve, Lord Russell sent out a message of good will to mankind in the shape of a distinct order to separate the subject from the Government, to demand from the Government of the country a certain amount of compensation for injuries inflicted on a British subject, and at the same time to exact reparation from one of the subjects of that foreign country which they had a right only to claim from the Government itself. The first despatch in the book showed with what rashness and ignorance this barbarous policy was undertaken by the Foreign Office. "He has a fort, I am told, at the south-west end of the island of Kiusiu;" the geographical position of the place to be bombarded was not even known; and yet further on, instructions were given to the Admiral, if possible, to shell the residence of the Prince. He contended that after the arrival of the British squadron in the harbour of Kagosima, after the negotiations by Colonel Neale had taken place, and after it had been decided it was necessary to carry out the instructions of the Foreign Office by seizing the steamers by way of reprisals, Lord Russell was distinctly responsible for the burning of the town. Colonel Neale decided that the ships should anchor in a position where he could communicate with the authorities on shore—those authorities, by the way, alleging that in the absence of the Prince they were not empowered to agree to terms—and when asked for time he decided that they should be coerced. The steamers being seized as the first measure of reprisal, the batteries at once opened fire on the British ships. The British Admiral would have been disgraced if he had not immediately returned that fire; and as the batteries were more formidable than the ships and carried more guns, it was all that the force under his command could do to silence the forts, and in the weather then prevailing it was impossible to make a distinction between them and the lightly-constructed town immediately in the rear. The opening of the fire upon his vessels was the direct consequence of the reprisals ordered by the Foreign Office. It was said that on the following day the Admiral committed another barbarous act in opening fire on another portion of the town; but this was consequent upon the demand of Colonel Neale, that the Palace of the Prince should be fired upon in accordance with the distinct intimation conveyed in the despatch of Lord Russell. So that from the time reprisals were first undertaken until the squadron left the bay, the barbarity of the proceedings—if such a term was applicable to the burning of the town—was in strict obedience to the orders of the Foreign Office, which could only end in the destruction of the town. He had felt it right to make these observations in defence of an absent officer, whom he did not know, whom he had hardly ever seen, but who, he thought, had been most unjustly treated; and while Colonel Neale had been recommended to his Sovereign for decoration, the name of Admiral Kuper had never once been mentioned, nor had the Government even defended him from the ignominy heaped upon his name in every part of the country.

Amendment proposed, to leave out the words "while only imputing to Admiral Kuper a misconception of the duty imposed on him."—(*Mr. Longfield.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

Admiral WALCOTT: Sir, I can assure the House that I have read the Correspondence laid upon the table relating to the attack on Kagosima, in the island of Japan, with the earnest desire to arrive at a just and impartial decision; and I am happy to be able to acquit Admiral Kuper of blame connected therewith. But I deplore, as keenly as any one can do, the pitiable circumstances which have led to such a sacrifice of life amongst a population at once innocent and unoffending; and I am quite certain that Admiral Kuper suffered the most poignant feeling of regret while firing upon the city, uncertain whether the women, children, aged, and sick had been removed therefrom. But with regard to this, he had not the power of exercising any precautionary foresight; for, entrusted with the honour of the National Flag, it could not admit of an instant's hesitation as to his returning the fire of the batteries opened on his squadron. And what had been the conduct of the authorities on the preceding day? The despatches state that,

> "During the interval occupied by these communications the batteries on shore were constantly manned, and the guns diligently trained and pointed on the ships of the squadron, especially on the Flag ship, the whole of them being within range."

From this it was evident that the authorities were determined not only to reject the demands made by the British Government, but were resolved to oppose them by force. Upon the ministers of the Prince of Satsuma, therefore, the blame of this damnable outrage to humanity must be laid, for they were the real culprits.

Sir, I must apologise for the use of this strong expression, but it seems to me to merit even that word. The hon. Member who seconded the debate has stated, as his opinion, that "this destruction of Kagosima would tarnish the reputation of England in all civilized countries;" whilst I maintain that it was wholly attributable to the ministers and advisers of the Prince of Satsuma in opening the fire of their batteries on our squadron. Still, I confess, I cannot but think that some of the instructions given by Earl Russell were in some measure unworthy of a British Minister at the head of Foreign Affairs.

The spirit of impartiality which I profess obliges me to express my regret, that on the seizure of Prince Satsuma's steamers by our vessels, as reprisals, instead of lashing them alongside to take them down to the Admiral, they did not—supposing the state of their engines permitted it—simply compel them to accompany them, which would have prevented any misconception on the part of the Japanese as to the assumption of triumph, and that on coming in sight of the Admiral's ship a flag of truce had not been hoisted as token of a desire to hold further communications with the authorities.

In conclusion, I must express my opinion that, under circumstances of great difficulty and discouragement, the squadron was handled in a perfectly seamanlike manner, and that great credit was due to Admiral Kuper and the officers and men under his command for their courage and their skill.

LORD STANLEY: I quite understand the reluctance of my hon. and gallant Friend to pass any censure on persons who, whether in a civil or a military capacity, are performing a very responsible and arduous duty at a great distance from home, and compelled by the fact of that distance to act without instructions. I share in that feeling, and I shall be glad if I hear from the hon. Gentleman the Member for Southwark (Mr. Layard) a better defence for these proceedings than appears in the papers which have been laid before us. I do not intend to go again over the ground covered by the speech of the hon. Member for Maidstone (Mr. Buxton); but I will call the attention of the House to one or two points, and I do so now in order that an answer may be given by the hon. Under Secretary. I do not understand what justification can be alleged for the double claim made by her Majesty's Government—first, the claim made on the central government of the Tycoon; and next, that made on the Prince of Satsuma. I could understand either if the other were not put forward. I could understand your treating the Prince as entirely independent, and then your course would be obvious. You might have applied to the Tycoon in the first instance, and if he replied, "I cannot punish the Prince of Satsuma," you might have said, "Then we give you fair notice that we shall take the affair out of your hands and punish him ourselves." But if the Prince of Satsuma is responsible for the murder, then this demand of £100,000 from the Tycoon, who is not responsible, who did not order the murder, and could not have prevented it, is simply an act of extortion. On the other hand, if the Prince of Satsuma is to be treated as a subject, no doubt we have a right to come on the Government of Japan for compensation; but then we ought to leave it to the Government to settle matters with the Daimio. But the responsibility of the one, from the nature of the case, excludes the responsibility of the other, and therefore those who have conducted the negotiations on the part of this country have by making the double demand put us in the wrong. It also appears to me that the amount of the demand is altogether exorbitant and excessive. No doubt, it is very painful and difficult to have to value human life; but one can only judge of what would be done if such a case occurred in Europe. If the murder of a British subject took place under anything like similar circumstances in a European country, you would insist on the punishment of the offender and demand compensation; but you would not demand a sum amounting altogether to about £150,000, and proceed in satisfaction of the claim to seize property of much greater value. One-tenth of the amount probably would be thought sufficient. There is another point, to which I think the House ought to look. The hon. Member for Maidstone spoke of the inhumanity of those proceedings. I look at the matter in another way, and say that their impolicy is greater than their inhumanity. The Government of the Tycoon is in great difficulty between the Daimios on one side and the foreign merchants and diplomatists on the other. You have, then, to deal first with a Government which may be taken to be neutral between the two parties; next with the great chiefs, who undoubtedly are hostile to foreigners; and, lastly, with the people, of whom we do not know whether or not they share the prejudice of the chiefs against foreigners, but who, at all events, have nothing to lose by the country being open to trade, and may have a great deal to gain. I think it clear, then, that the policy which common sense would have suggested would be to deal fairly and moderately with the Tycoon's ministers; to undermine, as far as you could, the influence of the Daimios on the people, and with that view to conciliate the latter by all means in your power. I am afraid your proceedings in reference to this murder will have a contrary effect. All they will know about the affair is that the foreigners have had a quarrel with their chiefs and destroyed a town. That will place the Daimios in the position of being the natural protectors of the people, whereas your object ought to be to separate those two classes, and to show the natives, that though you may take a part against the chiefs, you do so in the interest of the people. I am afraid it will be a very long time before the bad impression created in the minds of the people by those proceedings will be obliterated. I also think it is very questionable whether what you have done will have much effect on the chiefs. I do not say anything as to the destruction of batteries, because, since it was determined to treat the Prince of Satsuma as independent, no objection could be taken to your destroying his forts; but when your doing that involved the destruction of a town, it is another matter. I do not expect that much moral effect will be produced on the Daimios by such an operation as that. It reminds one of the story of an Irish absentee landlord whose agent in great trepidation sent him over a threatening letter which he had received. The landlord, in reply, said, "Tell those fellows they are great fools if they think that by shooting you they will intimidate me." I very much fear that the same is the case with the Daimios. They are not likely to be intimidated by punishments which fall on the people. You will not frighten the class on whom you wish to produce an effect, but you will make enemies of the class whom you want to have for your friends. In these same papers I see a transaction, of the same date, which, though not strictly connected with this case, yet bears on it as showing what the general character of British policy towards Japan has been. It seems that in October of last year there was a good deal of anxiety felt among the traders because the trade in silk was falling off. What was the reason of that falling off? Colonel Neale, writing to the Japanese Minister, says—

> "The matter respecting the restricted arrivals of silk being now well known to be caused by no accident or want of the material, but by a systematic arrangement of a few of the principal silk dealers, or monopolizers at Yeddo, great uneasiness and alarm prevail among the mercantile community of Yokohama."

Upon that assumption, because those dealers in silk at Yeddo are doing that which dealers in Manchester and Liverpool do every day—because they are holding back produce in the hopes of getting higher prices—our representative writes a very peremptory letter, and the Japanese Government is called upon to explain. That is not the way you would act towards any European Government. I refer to that letter because it throws light upon whatever may be doubtful in other transactions, and shows what our feelings and bearing have been in dealing with the Government of Japan.

Lord ROBERT MONTAGU said, it appeared to him that one half of the speech of the hon. Member for Maidstone had been disposed of by the remarks of his hon. and gallant Friend behind him (Sir John Hay), and the other half demolished by the hon. Member himself. The former had cleared Admiral Kuper of all blame and misconception of orders; while the hon. Member opposite (Mr. Buxton) had said that our proceedings in Japan were contrary to the usages of civilized war, although he had admitted that within the last few years we had three times done the same thing, and that other nations had continually acted in a similar manner. From this admission it appeared that our proceedings were not contrary to those usages of civilized war, which had prevailed during the last ten years. The hon. Member had also enlarged on the effects, but he had carefully kept the cause in the background, and only touched upon it in a light and casual manner towards the close of his speech. He had spoken of the horrors of the attack on the town of Kagosima, but he had not explained why that attack had been made. The fact was that Mr. Richardson, accompanied by two gentlemen and a lady, was riding along a road which was open to us by treaty. It was the custom of the Japanese when one of the Daimios approached with his retinue to get out of sight, or else to fall humbly and imploringly on their knees while the Daimios passed by. As the road was open by treaty, it could not be said that Mr. Richardson and his friends ought to have gone down on their knees before a haughty barbarian noble. However, to avoid all dispute, they got to the side of the road, and took up as little room as possible while the procession went by. One of the Daimio's followers, however, drew his sword, cut Mr. Richardson's throat, lopped off his hands, and hacked his body in the most heinous and revolting manner. This would have been bad enough had it been a solitary instance of crime; but this was not the first case of the kind. Numerous murders had been committed; this was only an aggravation of a series of outrages. What were the Government to do? What would have been said if the noble Viscount at the head of the Government had allowed such an act to pass unchallenged? He would thereby have acknowledged that the slaughter of this Englishman was justifiable; he would have exonerated the barbarians from all their guilt. If the noble Viscount had taken such a craven and dastardly course he (Lord Robert Montagu) would himself have moved a vote against him. He contended that the Government were bound to ask for reparation. They did so. The Government of the Tycoon made an apology; they admitted that a gross and serious crime had been committed; and they agreed to pay £100,000. There was only one thing wanting, and that was the punishment of the offender. The Government of the Tycoon said it was not in their power to punish the murderer, because the Daimios were like vassal princes. They were too powerful to be punished. They set the Tycoon's Government at defiance. But the Government of the Tycoon said in effect, "You may go with your superior force, and you are perfectly at liberty to punish the Daimio yourselves, if you can." Several of our ships accordingly sailed off to Kagosima and demanded reparation. There they got a shuffling answer, and no reparation appeared likely to be obtained. Admiral Kuper demanded that reparation should be made within forty-eight hours, or he would shell the forts. [An hon. MEMBER: The town.] Well, the Admiral had been defended by his hon. and gallant Friend (Sir John Hay) on that point, and therefore he would not detain the House by disputing it and repeating the arguments which had already prevailed with the House. He fired on the forts; or rather returned the fire like a true British sailor; for the forts were the aggressors. But a typhoon was coming on. The gunners, if they had been on board the *Excellent*, would no doubt have made good practice and hit the forts alone. But a heavy sea set in, which prevented them from taking proper aim with their shells. A Japanese town was built of bamboo, brown paper, and varnish, and our shells falling among such houses naturally set fire to them. It was true that the next day another bombardment took place. Admiral Kuper saw that many houses had been burnt, but that the palace of the Prince, who had caused the offence, stood uninjured in all its proud magnificence. Would it have been just to shell the poor, and let the haughty feudal noble escape? As he steamed past he shelled this palace also, and he was perfectly right in so doing. What had been the result? Prince Satsuma has acknowledged the crime, paid £25,000, and promised to bring the offender to justice. And what is the object of the Motion and of the Amendment? To signify to this noble that he has done wrong in acknowledging the crime; to proclaim to him that he is free to murder Englishmen; to tell him that our Government have done him a great and fearful injury. The hon. Member for Maidstone said that we acted in Japan in a manner contrary to the usages of civilized nations. But did not the hon. Gentleman know that the Dutch, the French, the Americans, and the Russians had all in turn been outraged by the Japanese, and had all demanded reparation in the same way? A Russian had been struck in the face, and the Russian officers insisted that the officer who committed the act should be degraded and punished. Every other civilized nation trading with the Japanese had been insulted as we had been, and had exacted reparation by the same means. The hon. Member had talked of the narrow lanes of the town and the shrieks of women who could not escape. This was the fiction of a fertile imagination; it was a fancy which would have embellished a poem; but it was not business; for it was not supported by the statements of fact in the blue-book. All that the hon. Member proved by this was, that when they had war they must have with it the horrors of war. War must be made in Hotspur fashion. There must be "saltpetre," "dead bodies," and "unmannerly knaves;" it could not be carried on by people with "pouncet boxes and white gloves." Again, the hon. Member asked us why the people of Kagosima should suffer, when they had nothing to say to the outrage? Wars must be made against nations. They cannot be directed against individual offenders. When the English Government learned that the King of Denmark had made a secret treaty with the Emperor Napoleon, and that the Danish navy was to be employed in making a descent on the English coast, they sent Nelson to bombard Copenhagen. It might have been said that the people of Copenhagen did not know of the secret treaty; but yet we destroyed that fleet and bombarded that city. When the British fleet attacked Boulogne on account, if he remembered aright, of the Berlin and Milan decrees, it was not considered that the inhabitants of Boulogne had nothing to do with those decrees. So, again, with regard to the bombardment of Genoa. The French were going to descend upon that town, and use that port as a point of departure in their assaults upon the shores of the Mediterranean. The people of Genoa had not invited the French; yet we took the town in order to ward off the danger. Then, the hon. Member said that the treaty with Japan ought to have been signed with the Mikado, and not with the Tycoon. Both this country and the Japanese had, however, accepted the treaty with the Tycoon, and it was too late to go back and declare the nullity of the treaty. The hon. Member should have brought this before the House at the time; it is now beside the question to seek for arguments on that ground. Our trade with Japan was increasing, and was most valuable; what would be the result? Foreigners and Englishmen would flock to Japan; and more unoffending Europeans would be murdered on the roads unless these assassinations were put a stop to. He remembered meeting the Japanese Ambassadors in 1862, at the residence of the Chancellor of the Exchequer, and he asked one of them what had struck him most of all the wonders he had seen. The Japanese replied, "The things at Woolwich." He had especially admired the Armstrong guns, because they would throw shells with such wonderful force and precision. That let us a little into the secret. That showed that what these Japanese worshipped was not honesty, justice, or friendly feeling, but power. If they found they had to do with a weak or drivelling nation, they would disregard the dictates of justice and equity. The feudal nobles of the country were most haughty and proud, and if we wished them to be just in their dealings with us we must show that we had the power to exact reparation for injuries. When they had felt that power, they would then learn to treat us with justice.

Sir FRANCIS CROSSLEY said, he was not willing to content himself with giving a silent vote on this question. The eyes of all England were at the present moment directed to the war in Denmark, and the invasion of that country by the Austrians and Prussians, when all their just demands might have been satisfied without resorting to that extremity. But it seemed to him that they could see sins in other nations much more readily than they could in themselves. He thought that the burning of Kagosima was a horrible proceeding. His hon. Friend the Member for Rochdale had made a very correct comparison when he said, "It was as though an enemy had laid Bristol in ashes because an individual had been murdered on the high road between London and Brentford." When Englishmen thought proper to take up their abode in a foreign country for purposes connected with their own interest or pleasure, he thought the least they could do was to pay some regard to the manners and customs of the people among whom they chose to cast in their lot. It appeared to him that Mr. Richardson and his friends did not show sufficient respect to the Daimio. That did not justify the murder, and he did not blame the Government for demanding reparation; but there was some fault in their Foreign Office sending out lax instructions to their commanders. Earl Russel had named in his despatch that he understood that the Prince Satsuma had been importing some valuable steamers from Europe, and that it might be well for Admiral Kuper to seize them: if the despatch had staid there, or gone on to point out that, failing that, he might take possession of an island, it would have been more humane and equally effectual; but, in lieu of that, Earl Russell spoke of shelling the palace of the Prince. Admiral Kuper seized three steamers seven or eight miles from Kagosima, and, instead of towing them away as reprisals, he drew them under the guns, and then said, "Fire, if you dare! but remember we are one of the first nations of the earth; and although you think yourselves civilized, you are only barbarians." He did not think that that was the most conciliatory manner in which to carry on negotiations. It was said that this town was built of wood and paper; but he thought that was one special reason why it should not have been bombarded. When the honour and interests of the country could be upheld without the sacrifice of human life, it ought to be avoided; and he trusted their agents abroad would feel that the Government and this House would not reward them for such acts as the burning of Kagosima, but only when they did their duty.

Mr. LIDDELL said, that the hon. Gentleman who had just sat down had very properly raised his voice against the loose instructions given by the Foreign Office to officers who were entrusted with delicate and difficult duties abroad; but the Foreign Office ought to be a little more careful also how they made treaties. Whenever this country made a treaty, whether in Europe or the East, she got into a mess. He differed from the hon. Gentleman who had opened the debate with so much ability and knowledge of the subject, when he said it was no business of theirs to enter into the treaty question. Now, the whole of these matters hung upon the treaty question. There was no man in that House who had attended to the affairs of Japan who would get up and say that the treaty with that country was not a most hasty and inconsiderate piece of diplomacy, and entered into without any knowledge whatever of the manners, the customs, or the laws of the Japanese. And how, then, could such a treaty be expected to be faithfully observed? They had been informed by a legal authority that no Court in this country would have found the persons who murdered Mr. Richardson guilty of anything more than homicide. The laws of Japan, they were also told, forbade the interruption of processions, which often partook of a religious character, and the retainers of the great nobles were, he believed, even enjoined to punish and possibly to kill anybody who might venture to interfere with their progress. So that, if we looked at the question from a Japanese point of view—and he trusted that in discussions in that House they would never forget the great legal maxim, *audi alteram partem*—there would be a great deal to excuse the crime of which the Japanese had been guilty. The poor ignorant Japanese might have thought himself justified in killing Mr. Richardson on the high road. Well, we demanded reparation from that people, and we destroyed one of their towns and killed 1,500 persons. Naturally hostile to foreigners, were the Japanese likely to be conciliated by such conduct? He had risen mainly with a view to ask the Government what was their policy in Japan? Perhaps he would receive a similar answer to that given recently by the noble Lord to the leader on that side of the House—that their policy was peace. But it was a remarkable inauguration of a peace policy to bombard a capital, destroy property, and kill 1,500 persons. The noble Lord at the head of the Foreign Office in his last letter to Colonel Neale said, he must wait for further accounts before complete instructions as to our policy in Japan could be given. It therefore appeared that Colonel Neale was to shape out the policy for the Government at home. But Colonel Neale's policy was trade, and a favourite article in the market was Japanese silk. But, in order to encourage the silk trade, was it necessary to commit acts which excited the indignation and horror of England? Were we who always said that our mission was to spread Christianity in the East now about to worship what the Americans called "the almighty dollar?" and accompany that worship with acts of violence and war. It was time that we reconsidered our policy in Oriental countries; for in the East Indies, in China, and in Japan, it was found that that policy was sustained by acts that were neither justifiable nor creditable. It might have been necessary to have demanded reparation at Kagosima—he did not argue that now; but surely, if necessary, they should have exhausted all means in their power to obtain that reparation before proceeding to the last extremity. Japan had for 100 years been happy and prosperous in itself; but now, owing to the presence of foreigners, it was on the verge of a social revolution, of which the Gorogio, the council having charge of foreign affairs, were unable to predict the results. The native authorities were at their wits' end to know what to do in consequence of the arbitrary and unjustifiable manner in which the British Government were enforcing the stipulations of a treaty originally very hastily entered into. At present we had not ascertained exactly who the Mikado was, and in whose hands the supreme authority in Japan was lodged. They had talked of the authority exercised by the Tycoon; but supreme authority seemed to have been exercised over the Tycoon himself on a recent occasion, for he had been summoned to answer to the Mikado, who had only lately been informed that a treaty had been signed with foreigners. Surely the Government should acquaint themselves with the state of affairs in Japan before they attempted to frame a policy to guide them; and, in his opinion, our hasty treaty ought to be revised, in conjunction with those who were acquainted with the usages and laws of Japan; certainly the treaty could not work as it at present stood. The Gorogio said—

> "If a continuance of trade at Yokohama be persisted in, this state of affairs (revolution) will grow worse; trade will suffer, and no doubt disappear in consequence, and then the friendship will be destroyed."

If Her Majesty's Government wanted trade to thrive, they should reconsider the treaty; and he hoped they would tell the House to-night that they would adopt some policy less violent and less arbitrary than that lately practised in Japan. The House had heard of the sufferings of the Japanese at Kagosima, but nobody had spoken of the anxiety and suspense suffered by our countrymen, the members of the Legation, who were compelled to live in Japan. Night after night there had been attacks on the Legations, houses had been burnt and murders committed. [Mr. LAYARD: Hear, hear!] The hon. Member cheered that statement, and no doubt such outrages were much to be regretted; but then they were not to be stopped by increasing still further the animosity of the Japanese. He contended that the House of Commons were bound to interfere; and if it was found impracticable to carry out the treaty with a people who wanted nothing from us, and who were happy and prosperous until we forced ourselves upon them, then Parliament should say *le jeu ne vaut pas la chandelle*, and should consider whether it was wise to continue our relations with a country so shut up in its own extraordinary traditions and inscrutable laws and customs—a country which did not care for or want our trade, though in pursuing this trade we were hazarding the lives of valuable public servants, and involving ourselves in costly quarrels.

Mr. A. W. KINGLAKE said, he agreed with much that had been said by the hon. Member who had just sat down, but he could not entirely respond to the appeal with which the hon. Member commenced his speech, because he had not sufficient vividness of imagination to take a "completely Japanese" view of this question. They were Englishmen, but he trusted that as the result of that night's debate it would appear, that they were Englishmen capable of moderation and capable of justice. The hon. Member (Sir Francis Crossley) had unintentionally done an injustice to Earl Russell by saying that from first to last he had never expressed any regret for this disastrous occurrence. From the papers it appeared that Earl Russell did not lose a moment in expressing the horror with which his mind must have been filled:—

> "It is much to be lamented," he wrote, "that, as the batteries were apparently situated in and about the town, the consequence of firing with shot and shell upon the batteries and magazines should have been to set fire to the town, which Admiral Kuper says has been burnt. Many innocent persons have thus unfortunately been injured."

The noble Lord (Lord Robert Montagu) had, in his opinion, been a little hard upon his hon. Friend (Mr. Buxton) when he accused him of having indulged in declamatory language in adverting to the persons who must have suffered when this town was burnt. But his hon. Friend's statement was grounded on strict statistical reasoning, because if a town of that vast size was destroyed, numbers of people must have perished in the flames; and if 1,500 persons were killed, there must have been among them a large proportion of those utterly helpless beings, to whose sufferings his hon. Friend had referred. On the other hand he could not help expressing his concurrence in every word which had fallen from the noble Lord opposite (Lord Stanley). The sum demanded as compensation was of such magnitude as to give the idea of something very like oppression; and from some misunderstanding of the instructions, or some fault in them, the demands made appeared to be cumulative. If it were right to go against the Tycoon, it could hardly be right to go against Prince Satsuma, and therefore he could not but think that the demands were intended to have been alternative. There was another unfortunate circumstance which aggravated the impression of injustice. Certainly, if a sovereign were unable to exercise perfect control over a distant province, there was good ground for the action taken by a foreign Power against the pro-consul. But so far from disclaiming the sovereignty, the Tycoon repeatedly claimed it, entreated the British authorities not to proceed against Prince Satsuma, and offered to pay the sum demanded. Moreover, he promised to do all that he possibly could do to get at the murderers of Mr. Richardson, and deliver them up for execution in the presence of British officers. True, he left it doubtful whether the murderers could be found, but they were hardly better off with Prince Satsuma. He thought the noble Lord the Member for King's Lynn had established that part of his argument in which he showed that the accumulative mode of proceeding against that unfortunate people was oppressive. The hon. Gentlemen who had moved and seconded the Amendment had been eager to resist any blame which they thought might be imputed to Admiral Kuper for the part which he had had the misfortune to take in this transaction. He agreed with them that in the present state of their information as to the details of the transaction it would be unjust to impose anything like blame, or seeming blame, upon Admiral Kuper. It was true there was a report of the language in which, under the excitement of the event, Admiral Kuper, so to speak, had celebrated the deplorable act which was the subject of the debate, but they had not yet before them the statements which he might think fit to make when he should hear of the light in which the sad event was regarded in this country. It therefore was premature to express any opinion; but he could not agree with the gallant Gentleman opposite (Sir John Hay) that he had established the case which he had attempted to make. The hon. and gallant Gentleman had attempted to show that Earl Russell's instructions were a cogent order for the destruction of the palace of Prince Satsuma, and that no Admiral could have done otherwise than he did. He (Mr. Kinglake) ventured to say that position could not stand. Earl Russell, not in imperative words, but in what might be called suggestive terms, put it whether it might not be possible to shell the palace of the Prince. But no one would contend that there was an imperative mandate rendering it compulsory upon the Admiral to destroy the residence of the Prince wherever he found it, whether on a bare hill-side or in the midst of a populous town. That was a course of argument which could not be sustained for one moment.

Coming to the instructions sent from home, he would ask the House to consider the policy which had culminated in the destruction of the city of Kagosima. Let the House not suppose that our conduct towards the Japanese Government was anything like the accustomed struggles between a civilized and a barbarous nation. He would undertake to show that what had been going on in Japan, in which England was concerned, was a policy of the newest and most extraordinary character. The usual custom of England in respect to opening commercial intercourse with a strange or barbarous nation was, that traders first settled there, and having found the people willing to trade, a commerce was eventually established. In the course of time the English trader had a grievance, and then appealed to the Foreign Office for support, which he obtained, not simply as a trader, but as an Englishman, entitled to the protection of the British Government. In Japan that mode of proceeding had been reversed. It was not the trader who went first, and the political engine followed, but the political engine had gone first and the trader followed, who conducted himself in so arrogant a manner under the protection of the political engine as to have brought upon the people of Japan a great amount of what he must call political oppression. He would take the statement of their own representative, whose terse and expressive description could not be doubted. Colonel Neale wrote :—

> "Indifference to the cold reserve and obstructive acts of the authorities in this country would meanwhile doubtless encourage their continuance ; but it is impossible by arguments or reasoning alone to influence the councils of this Government. The great difficulty with which our diplomatic agency has had to contend has been the lack of means to induce moral pressure ; no lever has presented itself whereby to arouse conviction of a reciprocity of interests tending to render our goodwill and amity a political necessity to the Tycoon's Government, or to induce on their part even a conciliatory policy. In a word, it has not hitherto been apparent to the ruling powers in this country what they had to gain by their relations with foreigners ; while, on the contrary, the jealousy of powerful feudal chiefs, the chances of civil commotion (the elements of which already existed), are alarmingly increased by our presence and by our requirements."—*Correspondence*, No. 16.

Thus we were showing that people with arms in our hands what it was they had to gain from contact with European Powers. No one could read the papers without being convinced that the treaty had broken up the political system of Japan. It appeared that before the treaty the Tycoon had become the substantial sovereign. No one heard of the Mikado, but there were Daimios under the Tycoon. The result of the treaty was that the Tycoon incurred so much disgrace and contempt for entering into it that the power of the Mikado was at once revived for the very purpose of neutralizing as it were the treaty into which the Tycoon had been so ill-advised as to enter. All who read the papers could not fail to be struck with the wisdom, moderation, and good sense of the nobles of Japan. They said they would gladly have intercourse with foreigners if they could be strong enough to be sure that the foreigners would act only as guests. What had happened was that, far from acting as guests, the foreigners had overturned their customs, altered their system of government, and defied the nobles in the face of the people. In order to give an idea of the tremendous sacrifices which this unfortunate people had been compelled to make to keep on terms of amity with European Powers, he would refer the House to the extraordinary statement that they consented to abandon forty miles of the high road, the road leading to the capital, in order to avoid collision with foreigners. The noble Lord the Member for Lynn had effectively shown that when we had exerted all that political pressure that matters did not end there. It appeared there was a good deal of silk which the natives had prepared, and probably intended to sell, but which, for some reason known to themselves, probably to obtain a higher price, they did not at once sell. The capital of the European traders was lying idle, and therefore Colonel Neale addressed to the Tycoon's Government a strong remonstrance, barely mentioning a report that intimidation was exercised to prevent the sale of the silk. Colonel Neale said—

> "The matter respecting the restricted arrivals of silk being now well known to be occasioned by no accident or want of that material, but by a systematic arrangement of a few principal silk dealers or monopolizers at Jeddo, great uneasiness and alarm prevails among the mercantile community at Yokohama. Two millions of dollars have been brought here for the purchase of silk, and are lying idle. Steamers arrive from China to ship the silk expected to have been ready for exportation, and return comparatively empty, thus occasioning great loss. The native merchants are suffering extremely, and some have shut up their establishments at Yokohama, and have left the place; and finally, it is currently reported that three or four other merchants of Yokohama have been arrested, or are about to be arrested, at Kioto, and that one has lost his life because he pleaded to be allowed to sell silk. I lose no time, therefore, in requesting your Excellencies to communicate with me, at your earliest convenience, the real situation of this matter, and the actual intentions of the Tycoon's Government. So serious a matter cannot remain in suspense, and if no communication is made very shortly reassuring to the commercial community, I must adopt other measures, and proceed to Jeddo more effectually to seek explanations from your Excellencies."—*Correspondence*, No. 68.

In reply to that menacing demand, the Tycoon wrote, expressive of regret at hearing of this matter, and saying he thought that the silk would be forthcoming in a few days. Now, though that despatch was of an extraordinary and unjustifiable character, it had not been blamed or commented upon by our Foreign Department, but it seemed to be looked upon in the light of a semi-trading and semi-political transaction. But the gravest matter of all remained yet to be told. The British Government, acting by the hands of Admiral Kuper, had distinctly interfered with the Sovereignty of Japan. It was the undoubted right of an independent Power to erect batteries wherever and whenever it pleased within its territory; but how did Admiral Kuper deal with that right? The Admiral wrote in these terms to the Governor of Kanagawa:—

> "I beg leave to acquaint you that it will be my duty to prevent the construction of any battery at the point named in your Excellency's despatch, as well as in any other position which would command the anchorage or town of Yokohama. The port of Yokohama having been appropriated solely to commercial purposes for those Western nations having treaties with Japan, there can be no necessity that it should be defended against them, while nothing but an aggressive act or repudiation of treaty rights on the part of the Japanese need render it necessary for them to defend themselves from external enemies for many years to come."—*Correspondence*, No. 73.

Mr. A. W. Kinglake

[Mr. Layard: Hear, hear.] He presumed from that cheer that the hon. Under Secretary for Foreign Affairs was of opinion that the Japanese were no longer at liberty to defend the port which had been given up for commercial purposes. He did not believe, however, that such an oppressive policy had been deliberately invented in Downing-street, but he conceived that it resulted from the impossibility of the Minister at home sending out stringent instructions to the English Minister in Japan, who, unfortunately, was surrounded by merchants determined to take the fullest advantage of the treaty, and by a public opinion which made it difficult for him to act with that temper and moderation which all Englishmen would desire. It was therefore incumbent on the Home Government to refresh, from time to time, the memory of the British Minister in Japan with respect to the duty he had to perform, and the necessity of observing something like moderation and justice. In the midst of what was disagreeable in the papers before the House, there was one agreeable feature in the apparent union existing between the Powers having treaties with Japan. He was glad to perceive that the instructions given to the French Minister appeared to be entirely loyal, and all the foreign representatives seemed to have acted cordially one with another; and he would suggest that it would, perhaps, be well to take advantage of this union, so that by its means something like a rational system might be adopted of dealing with the Japanese, leaving to them the sovereignty of their land, the enjoyment of their ancient customs, and, above all, the liberty to trade or not to trade exactly as they chose.

Mr. LAYARD said, that the well-known sympathy of the hon. Member for Maidstone (Mr. Buxton) for suffering humanity in all parts of the world, the lead he had taken in so many philanthropic questions—his very name even—fully justified him in submitting his opinion on the question before them. He was not disinclined to agree with much that had fallen from the hon. Gentleman, and if he did not agree with all he had said it was because he disputed, not the general principles which he had laid down, but the manner in which he had applied them to particular instances, and the deductions he had drawn from certain facts. He owned that it was a most deplorable thing to bombard a great city, and to destroy by fire the habitations of a great number of people, and he entirely sympathised with the hon. Member's eloquent description of the sufferings entailed on the inhabitants by a conflagration such as that which raged at Kagosima. War never ought to be undertaken except on the strongest grounds, and when the party waging war was justified in so doing. When a war was commenced without a just and definite object, or when it was prolonged after the elements of peace had been obtained, every life which was forfeited under such a state of things was a murder weighing on those who brought about the strife. So far there could not be any difference of opinion between himself and his hon. Friend, or, indeed, between any Member of the House. Moreover, his hon. Friend was not entitled to charge him with any want of sympathy for Eastern races. On the contrary, in the House and elsewhere, he had maintained, with all the energy at his command—perhaps, as some might think, with too great energy — the cause of Eastern nations, and had expressed his profound regret and indignation at the manner in which they were too often treated by those who had subdued or were otherwise brought into contact with them. Let them, however, see how far those principles applied to the circumstances of the case before them ; but before doing so, he must reply to the observations which had come from the other side of the House. He was the last man in the world to cast improper imputations upon such a man as Admiral Kuper, or to detract from his merits in any way. He thought that there had recently sprung up in this country too strong a tendency to condemn without sufficient information and inquiry, the conduct of officers abroad. He repudiated with indignation the idea that an English Admiral or General would wantonly destroy human life or property. He had seen as much of war as most civilians, and had had a good deal of experience of military men, and had always found them singularly humane, tender-hearted, and averse to the shedding of blood. It was necessary before going into the facts connected with the destruction of Kagosima, that he should briefly sketch the course of our relations with Japan, as observations very hostile to Her Majesty's Government had been made concerning them. His hon. Friend the Member for Bridgewater (Mr. Kinglake) and others seemed to think that we had forced ourselves on the Japanese. We were not the first nation to enter into treaty arrangements with them. About the time of the war in China, when English arms had met with some success, the American commodore, with a considerable fleet, visited Japan, and without threatening the Japanese he so managed affairs as to lead that people, who knew, to use a common expression, how to put two and two together, to come to the conclusion that they had better have a treaty of commerce with the United States. Up to that time there had been no treaties with Japan, except a convention for the protection of shipwrecked mariners. Russia next stepped in and demanded a treaty similar to that with the United States, which was granted. Two such Powers having obtained treaties, he would put it to the House what would have been said if the English Government had neglected to seek privileges of the same kind ? They would have heard the hon. Gentlemen below the gangway denouncing the Government in burning and fiery language, and declaring that when there was a question of balance of power in Europe, or of some waste paper treaties, the Government were quite ready to go to war, but whenever commerce and trade were concerned, the Government would do nothing. There would have been complaints that while there were in the markets of Japan cottons from America and knives and scissors from Russia, the products of Manchester and Sheffield were excluded. On these grounds alone Her Majesty's Government were bound to enter into treaty relations with Japan. He would not ask whether Japan could or could not have remained in the state of isolation at which she aimed. In his opinion, however, islands which had been called the England of the Eastern seas, abounding in products of great use to the civilized world, and lying in what would before long be the great line of intercourse between America, and China, and other parts of the Eastern hemisphere, could not have remained cut off from the rest of the world. At the same time he admitted that we had no right to force ourselves upon them; but he denied that we had done so. Then, the Government were blamed for having made a treaty with an authority in Japan who had no power to negotiate it ; and the hon. Member for Bridgewater said that the whole of our misfortunes arose from that fact. Well, we made the treaty first of all with the same authority to whom the United States and Russia had gone—with the Tycoon, whom we found at the head of the Government. He had not much faith in a good many of the facts adduced in the course of the debate. True, he had not read, perhaps, every book of travels, such as Holborn to Hakododi or London Bridge to Jeddo, and such like; but he had perused a great many accounts by reliable persons, and had conversed with our agents and others who had resided among the Japanese, and had had great facilities for studying the state of the people. If the information he had received was correct, the country was by no means in such a state of happy tranquillity before we arrived as had been represented in such eloquent language. Mr. Pruyn, the American Minister at Japan, in an interesting despatch laid before Congress, stated that previous to our entrance the people were not at all in a good condition; on the contrary, he described them as most miserable. A certain number of Daimios held sway, who were feudal chiefs with bands of retainers; and the rest of the population were only slaves. In the papers which had been laid before the House, hon. Members would see how the privileged classes and their retainers used their power. Now it was customary for one of the Yakonins to try their swords upon the first unarmed man they might meet in the streets. There were three political parties in Japan, and those who liked to draw historical parallels would, perhaps, find a curious resemblance to the state of parties existing elsewhere. There was first a party called in the papers Torees, who might be said to be the protectionists of that country. These were opposed to all intercourse with foreigners. They were for the protection of native industry. They would have no treaties or communications with foreigners. Then there was a party who were a kind of Liberal Tories, who did not object to communications with foreigners, to trade, and treaties of commerce, on condition that they shared a little of the power, and some of the places in the gift of the Tycoon. And there was the Tycoon party, who wished to keep their places to themselves. They were favourable to foreigners, to trade and treaties with them, on the understanding, however, that they monopolized all the advantages. The Tycoon party thus insisting on everything for their benefit, the Torees and Liberal Torees united and determined to take advantage of the Mikado, the ecclesiastical head. They put forth the cry of "Church and State." They declared that nothing could be done without the consent of the Mikado, whom they put forward as the kind of puppet of their party. The Tycoon boldly went to the Mikado, and he found himself in a position in which it was necessary to give way. The Tycoon proposed a compromise. He pretended he was inclined to drive out the foreigners; and, having satisfied the Mikado on that score, he returned in triumph. Then began a system of deception on all sides. Meanwhile, constant outrages were being committed, not only on the subjects of Her Majesty, but on those of Russia, the United States of America, and other countries. The Tycoon expressed regret, but no redress was obtained. He was afraid of strengthening the hands of his rivals on the one hand, and unwilling, on the other, to lose the profitable connection with foreigners. Still our commerce increased, that fact proving beyond a doubt, notwithstanding the statement of the hon. Member for Bridgewater, that the people themselves, whatever might be the feelings of the Daimios, were our true friends and anxious to trade with us. A great deal had been said about our unwillingness to conciliate the Japanese, and our harsh treatment of them. That charge was wholly without foundation. On the contrary, the British Government had shown throughout every desire to conciliate them, and had made every reasonable concession. The Japanese Government had sent ambassadors to this country to obtain a revision of the treaty, and to ask that two of the most important treaty ports should not be open to trade. Her Majesty's Government, taking into consideration the difficulties by which the Japanese Ministers were surrounded, allowed them to plead their case, and consented to let these two ports remain some time longer closed against our trade. He remembered his hon. Friend the Member for Brighton complaining of this concession and the injustice thus operated to trade. Not only did they make that concession to the Japanese, but they communicated with other Powers, and induced them to make the same concession. The House had so often heard of the outrages which had been committed on British subjects that he would not go into detail. He had done so last year. But at the very moment when they were making these concessions, and showing every disposition to conciliate the Japanese, the horrible murder of Mr. Richardson took place. He regretted to find that some hon. Gentlemen who had spoken in the course of the evening, had tried to cast blame on Mr. Richardson and his party. He knew how often his countrymen in the East had been blamed for their own conduct when any outrage had been committed upon them; but in this case he ventured to say that Mr. Richardson and his friends were not at all to blame—not a single word could be said against them. They were riding in a road which had been opened by treaty. No notice had been given at the time that there was a procession of a Daimio expected, although it was given on the night of the murder, in the hope of deceiving the British authorities. Three gentlemen and a lady were riding on this road; they met a procession; they withdrew off the road and did everything they possibly could to avoid it; but, notwithstanding this, the retainers of the chief, whoever he was, fell upon them and tried to murder them all. The lady escaped by a miracle. Two of the gentlemen were badly wounded, and the fourth was murdered. The hon. and learned Gentleman who moved the Amendment, who had been called a high legal authority, said this was a case of manslaughter. He afterwards characterized it by an expression which he had heard for the first time—he called it a casual murder. Why it should be called a casual murder he could not explain. The evidence went to prove this. One of the party after being cut down fell from his horse, upon which some of these retainers rushed on him; and when afterwards entreating for water knelt on him and cut his throat. That was what an hon. Gentleman, speaking, he supposed, the language of his part of the country, called a casual murder. He thought it about the most horrible and determined murder he had ever heard of. An attempt had been made to show that we had infringed the customs of the Japanese, and a parallel had been drawn between that case and that of a foreigner meeting the procession of the Lord Mayor in one of the narrow streets of London. But the parallel did not hold, because the road where Mr. Richardson was murdered was an open road, solemnly kept open by treaty. So anxious had they been to meet the wishes of the Japanese, that they had by treaty settled where foreigners should go and where they should not. Without any warning, Mr. Richardson was murdered. What then occurred? The Admiral was urged by the merchants to land the marines, and make an attack on those who had committed the murder, and to obtain possession of the person of the chief. Who prevented those energetic measures which would have certainly led to bloodshed and probably to war? Who, but Colonel Neale and Admiral Kuper, who had now been so much condemned? Had they not a right to demand redress for what had occurred? What would have been said if they had left this barbarous murder unavenged? His hon. Friend who had brought forward the question said he would have voted against a Government which had failed to demand redress. But then it was said they had made a double demand. The noble Lord the Member for King's Lynn (Lord Stanley), in the short and pointed address he made to the House, said he could not satisfy himself as to the justice and propriety of making a double demand. Well, he thought the reason for that was perfectly plain. In the first place, it was not stated that the Japanese Government admitted they could enforce the demands made on Satsuma. They constantly denied that they had the power to do so. They said that the men guilty of the murder had escaped; that they were with Satsuma, and that the Tycoon had no power to arrest them. The Government had made two distinct demands of the Tycoon and Satsuma. They were not for the same thing. These demands were stated distinctly in a despatch from Earl Russell to Colonel Neale, and the grounds on which they were made were twofold; in the first place they demanded £100,000 from the Tycoon, not for the murder, but for the offence of permitting a murderous attack upon a British subject on a public road opened by treaty. That was a fine on him for permitting such outrages on a road he was bound to protect. Then, a demand was made upon the Prince whose retainers had committed the murder, for a sum to be divided among the relatives of the murdered man and amongst those who had suffered. The amount was £25,000. Some might think that was too much, others that it was too little. On that point opinions might differ, but his opinion was that it was reasonable. Mr. Richardson, the murdered man, was a wealthy merchant who was coming home to England, having amassed a fair fortune, and his death was a serious blow to his family, for which they were entitled to some compensation. The lady and the other persons injured were of good position in life.

Besides the claim for compensation, the execution of those who were guilty of the outrage was demanded. It had been stated over and over again that they had asked for the execution of Satsuma's father. That was quite contrary to the fact. In the first place, it was not known that the chief in question was Satsuma's father. The first impression was that it was his uncle. The American Minister said that it was his secretary. However, they had not asked either for his uncle or his secretary, but for the trial and punishment of those members of his suite who committed the act. The demand, as the blue-book would show, was for the speedy arrest and bringing to capital punishment, not of the Prince Saboola himself, but of those among his retinue who perpetrated the outrage. It should be remembered that the Prince himself stated that no orders had been given for the attack. If that were so, surely it was right to ask for the punishment of those who committed the offence without orders. Under the circumstances, the demands made were perfectly just. But, supposing they had accepted the excuse of the Tycoon's Government, that Satsuma was beyond its control, and that it could not enforce the punishment of the murderers, then every Daimio would have been encouraged to follow the same course; fresh outrages would have been committed on British subjects; and the Tycoon, when applied to for redress, would have said, "Oh, I have no control over the Daimios." Again, if they had exacted retribution from Satsuma alone, and not from the Tycoon, on any new outrages occurring, the Government would have said, "You must do as you have done before; you must deal with the Daimio; we are not responsible." Therefore, it had been thought best to make both the Government and the Daimio responsible. That, he believed, was the right course. Nor were we the only persons who had punished one of these semi-independent chiefs for acts committed against foreigners. By a reference to the blue-book it would be seen that a joint representation had been made to the Japanese Government by the English, French, Dutch, and American Ministers, stating that they held the Prince of Negato, who had fired on the ships of those nations, responsible for those acts, and they would proceed to punish the wrong-doer; and accordingly the Dutch, French, and American men-of-war went and punished that Prince by destroying his batteries and part of his town. But did the Japanese themselves deny our right to proceed against and punish Satsuma? On the contrary, they recognized it, and offered to send a Japanese man-of-war with a high officer of state to join our force. That vessel not being forthcoming at the last moment, our fleet went without it. That, however, was not a matter of blame to Colonel Neale or Admiral Kuper, but rather to the Government, which having made a distinct promise failed to keep it. Admiral Kuper sailed for Kagosima. It had been stated that the instructions of Earl Russell were not sufficiently distinct; that owing to that circumstance the Admiral acted as he had done, and that the blame consequently must fall entirely on Her Majesty's Government. Now, anybody at all aware how communications were carried on between the Government and its naval officers would know, that a great deal must in these cases be left to circumstances and the discretion of the commander of a fleet. But in this instance there was more than ordinary necessity for giving this direction. When these instructions were sent, the Government had not the slightest idea of the position of Satsuma's residence. All they had heard was that he had a palace or castle near the sea-shore, that he was a very powerful chief who had a considerable trade, for the purposes of which he had purchased certain vessels, that his castle was so situated that our fleet might easily get to it, and that there would be no difficulty in seizing these vessels. That was all they had learnt, and consequently their instructions to the Admiral were founded on very imperfect knowledge. The instructions were necessarily very guarded. Earl Russell said—

> "I have been informed that the territory of the Prince is a peninsula on the most southerly point of the island. He has a port, I am told, at the south-west end of the island of Kiu-siu. The Admiral, or senior naval officer, will be better able to judge than Her Majesty's Government can be, whether it will be most expedient to blockade this port, or whether it will be possible or advisable to shell the residence of the Prince."

The despatch went on—

> "I have also been informed that the Prince of Satsuma has steamships brought from Europe of considerable value; these might be seized or detained till redress is obtained."

These instructions were framed with a very imperfect knowledge of the position of Satsuma's residence; they did not even know that there was a large town there. [*Laughter.*] He was at a loss to know why hon. Gentlemen should laugh; but they would seem to have had more knowledge of the geography of Japan than anyone else in England. All the Government knew was that the residence of this Daimio was near the water, and could be reached by shells from the bay. Colonel Neale and Admiral Kuper arrived at Kagosima on the 11th of August. Late in the evening they cast anchor at the entrance of the bay. They afterwards went further up and anchored before the town. What was the very first thing that the Japanese did? They attempted an act of treachery. They invited the envoy and the Admiral to go on shore and negotiate with them. No doubt, many hon. Gentlemen in that House who had such confidence in the Japanese thought those officers were very wrong in not accepting that invitation. However, Colonel Neale and Admiral Kuper, knowing the people with whom they had to deal better, did not deem it prudent to venture into the trap. On the following day a Japanese, calling himself a chief, approached the fleet and asked to come on board the Admiral's vessel, attended by a very large number of followers. In their ignorance about English men-of-war they thought they might capture the vessel by a *coup de main*. ["Oh!"] There could be no moral doubt of it. He preferred to judge of that by the opinion of those out there than by the notion of hon. Gentlemen in that House. When the Japanese official saw that he was outwitted, he was so overcome that he was speechless, and hurried away as soon as he could. During all that time the batteries were being manned, and Admiral Kuper saw arrangements being made to attack his fleet. It had been most incorrectly stated that he remained under the batteries for the purpose of provoking their fire. The papers distinctly contradicted that. The Admiral said he withdrew from the batteries as far as possible—in fact, he could not anchor further off on account of the extreme depth of water. Well, Satsuma's officers having given a most unsatisfactory answer, beginning by admitting that those who committed the murder ought to be punished, and ending by saying that the murder was due to the breach of an old Japanese law with regard to processions on the road, Colonel Neale, finding further negotiation useless, requested Admiral Kuper to take the matter into his own hands. On the following morning the Admiral directed one of his officers (Captain Borlase) to take possession of Satsuma's steamers, doing at the same time all he possibly could to prevent any act of hostility or bloodshed. Having seized the vessels, it had been asserted that the Admiral "flaunted them" in the face of the Japanese. Now if hon. Gentlemen would look to the map they would see how utterly unfounded were the statements that had got abroad on the subject—statements which he was very sorry to see repeated by the hon. Member for Rochdale. Satsuma's vessels were not in that part of the bay nearest the sea, but at the bottom of the bay, and a glance at the map would show that they could not have been taken out of the bay without passing a point where they would be exposed to the fire of the batteries. And so far from the Admiral placing the captured vessels purposely under the eyes of the Japanese, in order to draw down their fire, he took them to the opposite part of the bay to avoid it. These vessels were no sooner taken than the Japanese opened a tremendous fire of shot and shell upon our fleet. [An hon. Member: Quite right.] An hon. Gentleman exclaimed "Quite right." He did not condemn the Japanese for doing so, but he should condemn any British Admiral who allowed himself to be fired upon without replying to the fire. What would the opinion, not only of that House, but of the whole country, have been if Admiral Kuper, instead of returning that fire, had slipped his anchors and sailed away? It was his bounden duty to return the fire; he could do nothing else. Even supposing he had been justified in not returning the fire from any cause—supposing he had left without retaliating—what would have been the inevitable result? There would have been a cry throughout the whole of Japan that our fleet had been defeated and had run away? There would have been murders without number; the life of not a single foreigner would have been safe. It was clearly the duty of Admiral Kuper, not only as a sailor, but as the representative of the British Government, to return the fire immediately. It was not necessary that he should defend the conduct of Admiral Kuper as regards the destruction of the town. The hon. and gallant Member for Wakefield (Sir John Hay) had relieved him from that duty. The hon. and gallant Gentleman had stated that it would have been impossible to return the fire of the batteries without setting fire to the town; and as the hon. and gallant Member was a high naval authority he would take his admissions as a complete justification of Admiral Kuper. An hon. Member had stated that Admiral Kuper threw shells into the town; but throughout the despatches there was not a single statement to that effect. It had also been said that the Admiral bombarded the town, but the truth was, that bombardment was not once mentioned in the despatches. Neither Admiral Kuper nor Colonel Neale said a word which could lead to the belief that a single shell was thrown purposely into the town. ["Oh!"] On the second day, no doubt, shells were thrown into the castle of Prince Satsuma, but on the first day, according to the best evidence they had, no shells were thrown into Kagosima. It was the return of the fire of the batteries which inevitably set fire to the town. Now, what was a Japanese town? It was built simply of very thin lathes of bamboo and paper, and nothing else. Very little timber was used. Fires constantly occurred in Japan, and five or six years seldom elapsed without a town being entirely destroyed. The people were so completely prepared for fires that they were always ready to remove themselves at the shortest notice, and in every town a large number of men were maintained for the express purpose of extinguishing fires. Everywhere the people were prepared to withdraw at once from their homes in case of fire. If they had not done so in the present instance, the fault must have lain, not with the British fleet, but with the Japanese authorities themselves. Those authorities had four days' warning, for the fleet arrived on the 11th, and the firing took place on the 15th; it had been their intention from the first to fire upon the fleet, and they must have known that the batteries could not fire upon the fleet without having their fire returned. It was their duty, under these circumstances, to command the people to withdraw. He believed, indeed, that a large portion of the people did withdraw from Kagosima, for in all such cases the first step taken by the Japanese authorities was to advise, and even compel, the inhabitants to remove. Still it was possible that there was some loss of life. No one could deplore it more than he did, but it was some consolation to know that the loss of life must have been very small. It had been his fortune to reside for some time in a city more notorious for fires than, perhaps, any other in the world—Constantinople. Almost every month there was a great fire, consuming the houses of more inhabitants than perhaps were contained in the whole of Kagosima. The houses of Constantinople were built of wood, which became almost like tinder in a short time, and the consequence was that a fire spread with extraordinary rapidity. Within a few hours almost a large portion of the town was gone, and yet during the whole of his residence in Constantinople he never heard of a single case of loss of life from fire. The people were so accustomed to fires that at the first announcement of one they packed up their property in cases made for the purpose, everything was carried away in an incredibly short space of time, and loss of life was scarcely known. These considerations led him to hope that very few lives of innocent persons were lost at Kagosima. No doubt some loss of life occurred among the retainers of the Daimio. We could not reproach ourselves for it, for the retainers of the Daimio fought against us, manned the batteries, and ran all the risks of war. They fought, doubtless, in what they believed to be a good cause, but still they were killed in fair and open warfare. He doubted, however, whether many met their death in consequence of the conflagration. On the second day it was necessary, according to the Admiral's view, and in accordance with his instructions, to destroy the palace of Prince Satsuma. What the noble Lord opposite had stated was perfectly true—that the Admiral could not have left Kagosima, after the dwellings of the poor had been destroyed, with the palace of the chief malefactor remaining untouched. Admiral Kuper, therefore, did quite right in throwing his shells into the palace, and there was no proof that the fire extended to any other part of the town. ["Oh!"] Hon. Gentlemen might, if they pleased, assume that the fire did extend to other parts of the town, but there was no proof of it. ["Oh!"] "Oh!" was not an argument, and if hon. Gentlemen objected to his statement let them get up and refute it if they could. The hon. Member for Maidstone began by saying that he was going to call a number of independent witnesses. Every one must have expected that those witnesses would be persons of a certain standing, whose evidence was of such weight as to warrant the House in listening to them; but what were they? One was a picture in the *Illustrated London News*. He did not want to say anything against that admirable and useful publication, but those who were in the secret knew how drawings were made of places at the other end of the world, and he doubted whether any person connected with the *News* was at Kagosima when the engagement took place. It was not impossible, indeed, that a picture of a town in South America had been furbished up to represent a town in Japan, Then the next witness of the hon. Member for Maidstone was a statement in an Aylesbury paper. Now, he had a great respect for an Aylesbury paper, but he could not accept its authority at second hand from his hon. Friend.

MR. BUXTON: The statement was made by a sailor.

MR. LAYARD said, he should like to know who the sailor was. Seeing, however, that they had got neither his name nor his statement, the hon. Member must allow him to accept in preference the statements of an English Admiral. Such was briefly the history of what took place at Kagosima. He wished now to call attention to the Motion of his hon. Friend. With respect to Admiral Kuper, as he had already stated, the Government had no desire to impute any blame to that gallant and distinguished officer; on the contrary, it was their duty—it was the duty of the country—to support him. It had been asked why they had not given him the same reward as was given to Colonel Neale. Colonel Neale had been rewarded, not for what had taken place at Kagosima, but—and the distinction was clearly marked—for the tact, judgment, and discretion which he had shown in bringing to an end a most difficult and complicated negotiation. Why the Government had not acted towards Admiral Kuper in the same way was simply this—there was a strong feeling in the country with respect to Admiral Kuper; the Government viewed the occurrences at Kagosima with regret, and they thought it only just to Admiral Kuper that he should be allowed an opportunity of giving the fullest explanations. For his own part, he had no doubt that those explanations would be satisfactory, and, in the meantime, he thought it would be most unwise, unjust, and ungenerous for the House to pass such a resolution as that before it, which, after all, was neither more nor less than a vote of censure. He felt confident that Admiral Kuper had not wilfully or wantonly injured Kagosima, but the fact was that he could not have responded to the fire of the batteries without setting fire to the town. It had been intimated that Her Majesty's Government felt no regret for the damage done to the town. Now, the first thing they did after receiving an account of what had taken place, was to write a despatch expressing regret that the town had been unfortunately injured. That regret had been embodied in the Speech of the Royal Commissioners; it had been re-echoed in that House; it had been felt by the country; and, therefore, there was no more to be said on that point. But the Government went even further, for if hon. Gentlemen would turn to the instructions subsequently sent to Japan, they would find that not only had the Government expressed their regret, but had also done all they possibly could to prevent the recurrence of the same misfortune in future. In a despatch dated November 14 would be found the following passage:—

> "Her Majesty's Government are especially desirous that while British persons and property are effectually protected, no injury should be inflicted upon the Japanese population. With this view it will be incumbent upon the Admiral or senior officer in command on the Japanese waters to endeavour to confine hostilities undertaken by him, as far as possible, consistently with due protection to British subjects, their property, and their commerce, to forts and batteries not surrounded by the dwellings and places of the non-combatant inhabitants. It is, of course, part of the duty of the officers in command of ships to return the fire of hostile batteries wherever they may be situated, but, in planning expeditions to stations on the coast, the difference between forts placed to disturb commerce and batteries erected for the defence of populous towns should always be borne in mind, and the first-mentioned of these two classes of forts should be the object of attack, in all cases where there is no absolute necessity to attack batteries of the second class."

Therefore not only did Her Majesty's Government and the House express regret, but every precaution against the recurrence of such an event, unless, as in the case before them, it became unavoidable, had been taken. The main part of the resolution was that which affirmed the Act to be contrary to the usages of war prevailing among civilized nations. Was that so? Certainly not. The distinction was very clear. If a city or town was provided with batteries or other means of offence, and ships, brought in collision with those batteries and returning their fire, burnt down the place, it was a very different case from that of burning down a defenceless town. The distinction was maintained during the Crimean war, and it was well known that, although there were magazines and materials most valuable to the Russians in Odessa, as Odessa was not a fortified place it was spared. Without going back too far, let the House look at bombardments which had occurred since 1816. In that year Algiers was bombarded by the British fleet because our Consul had been insulted, and the Algerine Government refused redress. In 1830 Antwerp was bombarded. The bombardment of Beyrout, and the bombardment of Acre were in 1840. Barcelona was bombarded by the Spanish Government in 1843. The legitimacy of the proceeding in neither case was called in question. Then came two very strong instances, quite as strong as that which they were discussing. In 1844 certain robber tribes committed depredations on the French territory adjoining that of Morocco. The French Government demanded redress, and on its being refused they bombarded Tangier and Mogador. They bombarded Tangier first, and afterwards Mogador, which was a peaceful town, and the private property of the Emperor of Morocco; and not only did they destroy the greater part of it, but they allowed the barbarians to come down from the hills, kill many of the inhabitants, and sack the place. Then there was the bombardment of Rome in 1849, which was continued for more than a month. He would next call attention to an instance which he was quite certain his hon. Friends below the gangway would not censure, because that bombardment was the act of a Power which the hon. Member for Birmingham usually held up to them as a model—namely, the United States. It was the bombardment of Greytown in 1854. In consequence of differences about a canal, the American Government sent vessels to Greytown. A few hours' notice was given to the inhabitants, and the place was bombarded. The buildings, being of stone and wood, were not sufficiently injured, and the crews were landed, who pillaged and sacked the town and burnt it to the ground. What did the President of the United States say in his Message about a bombardment of a town which had no batteries, and where ships had not been fired upon—a peaceful town without defences?—

> "The arrogant contumacy of the offenders rendered it impossible to avoid the alternative, either to break up their establishment, or to leave them impressed with the idea that they might persevere with impunity in a career of insolence and plunder."

He was sure his hon. Friend the Member for Birmingham, would not call in question that authority. But was that all? What was taking place at that moment? Charleston was being bombarded, but not as an act of defence against any batteries, or as a necessity of war. Greek fire and missiles of the most terrible description were constantly being thrown into the town, merely as an act of aggression. They heard of women and children being killed, and yet a large number of persons in this country, and even some in that House, justified that bombardment. But the most heartrending and deplorable account of a bombardment which he ever read was not a bombardment by sea. It was that of Jacksonville. There was a town which had risen up in a few years, and which possessed churches, theatres, public buildings, public walks, and everything to render it beautiful. The town was razed to the ground; everything was destroyed, and all was justified as a legitimate act of warfare. [MR. ROEBUCK: A wrongful act by another nation does not justify us in committing similar acts.] He did not justify such acts, he condemned them as much as any man, but he quoted these cases to show that bombardment was regarded by civilized nations as one of the proper usages of war. The Resolution stated what was not the case in saying that the bombardment of Kagosima was contrary to the usages of war among civilized nations, and therefore the House could not agree to it. Even in Japan we had not been alone. The American ship *Wyoming* was sent to punish one of the Daimios, and what did her commander state in his report? "A number of shells exploded in the batteries, and considerable damage was done to the town." The French, too, in order to punish a Daimio, landed and destroyed one of his villages. The papers which had been presented to Parliament showed that in our proceedings and our policy we had received the cordial assistance of the French and Dutch Governments. But his hon. Friend found fault with our policy, and said it was not sufficiently conciliatory. He thought we should have given way, and not noticed the outrages which had been committed. At the outset, however, the United States pursued in Japan the opposite policy to ours, and such as was recommended that night. An American Secretary of Legation was murdered, and the house of the Legation was burnt. It was declared that these were accidents, and no apology was tendered. Every excuse, however, was made, and pursuing their system of conciliation no reparation was demanded by the American Government. Other outrages on American subjects followed, and still no redress was demanded. The American Minister contrasted the favourable position in which he stood towards the Japanese with that of other Governments. But on the 16th of June, Mr. Pruyn, writing to Mr. Seward, said—

> "I have not been anxious till recently for the presence of any of our naval force here. But my opinions have undergone a great change, and I now content myself with the simple proposition. It must be obvious to the President that the presence of Commodore Perry's powerful fleet first opened Japan, and it is both natural and undeniable that the same means must be relied on, for some time at least, to preserve to the world what was thus gained. It was the presence of the British fleet and of other vessels of war in these waters which has brought about a peaceful solution of the late complications. My advice and that of every representative of all the treaty Powers, and of all Powers combined, would have been powerless without such force."

There was a complete answer to the recommendation of the hon. Member for Northumberland (Mr. Liddell), that the British Government ought to have adopted a more conciliatory course than they had done towards the Japanese. Mr. Pruyn had not only recommended the President of the United States to reverse the policy which that country had pursued towards Japan, but to make a great demonstration upon Osaca, and march his troops up to Kioto, one of the principal cities, and insist upon reparation for the wrongs done to American subjects. The Americans were so conciliatory, so long-suffering, that they allowed a Secretary of Legation to be murdered and the Legation house to be burnt, without taking any notice of such acts; and now they were compelled to admit that the only policy to preserve peaceful relations with Japan was the policy which Her Majesty's Government were blamed for pursuing. Mr. Pruyn might be right, or he might be wrong; but after a long experience he admitted the opposite policy had failed, and that, in his opinion, our policy was wise and just. It was very easy to criticize, but what policy was proposed? Were we to do as the Dutch did when they were confined to Desima—grovel on our bellies and submit to every kind of insult? Then let us remember that the position of the Dutch became so intolerable that they were obliged to give up the trade. He was inclined to think it better to trust to the judgment of our agents on the spot than to the judgment of persons who had had no opportunity of personal observation; and it must not be forgotten that, after all the hostilities, our trade with Japan was rapidly increasing from year to year. Out of the £7,000,000 invested in the trade with Japan more than one-half belonged to this country, the fruits of British industry. Amongst other accusations against Colonel Neale it had been asserted, that in his demands upon the Japanese authorities with regard to the sale of silk he had violated the principles of free trade; but the question involved was not one of free trade at all. One of the principal objects of the mission of the Japanese Ambassadors to this country was to obtain from the British Government a promise to allow the Tycoon and his adherents to enjoy a monopoly of the silk trade, but such a concession was refused. All that was conceded to their representations was that the trade in silk should be carried on under certain restrictions. Difficulties had from time to time arisen on the subject; every kind of artifice was had recourse to to prevent the free sale of silk; and Colonel Neale had received information that one merchant had been killed because he wished to sell his silks to foreign traders, the fact being that the small traders were prevented from bringing down their silks with that object. The consequence was that Colonel Neale had demanded that those restrictions, being contrary to treaty, should be removed. The answer of the Japanese Government was that it was a question of free trade, with which they had nothing to do; but the best proof that that answer was simply an excuse was that, upon the matter being duly taken up, the Tycoon took alarm and the silk was sent to market. Our only relations, he might further observe, with Japan were relations of commerce; we had no political views with regard to that country. The Government were simply carrying out in its case the views advocated by those gentlemen below the gangway who were for ever telling the Government that it was their duty to open fresh markets all over the world. It was the pressure which they put on which led to such cases as the present; and if hon. Gentlemen, instead of making exciting speeches in the country and leading the people to imagine that the Government were always forcing the Chinese and Japanese into a war, would endeavour to impress upon our merchants the expediency of being less eager to extend their trade—of being more moderate, and of giving the Government credit for doing all that lay in their power to effect that object, there would, he believed, be considerably fewer difficulties than at present. In making these observations, he did not wish to say a single word against the British merchants in the East. Many of them were very honest and very industrious as well as enlightened men; but he was nevertheless of opinion, from what he knew of the East, that all our difficulties were created by British traders in that part of the world. He did not, in making that statement, refer to the great commercial houses, but rather to the host of little traders who rushed in and seemed to think that the Government had nothing to do but to support them in all their preposterous pretensions. With respect to the Motion under discussion, he had simply to say, in conclusion, that he was quite willing that the opening words, which cast an undeserved reflection on Admiral Kuper, should, as proposed by the hon. and learned Gentleman opposite, be withdrawn, while he could not even then give his assent to the remaining portion, inasmuch as to do so would be to admit that the bombardment of a town was inconsistent with the usages of war. If, therefore, his hon. Friend should press his Motion, he should meet it by moving the Previous Question.

Sir JAMES ELPHINSTONE said, that in a paragraph in Lord Russsell's Despatch, Colonel Neale was informed that Her Majesty had been pleased to confer upon him the Companionship of the Bath because of the firmness and good temper which he had displayed in his negotiations with the Japanese authorities. He could not therefore but express his regret that while that Gentleman, who was chiefly known to the world as the comrade in the East of the Under Secretary for Foreign Affairs, had had his services thus acknowledged, the gallant and meritorious officer, who faithfully and with the utmost patience and perseverance carried out the instructions of the Secretary of State, was left wholly unrewarded. Now, he had known the career of that gallant seaman for a period of forty years, and he believed that he had uniformly discharged his duties with great zeal and ability; and he had to add that the Government would be improperly deserting their officer if they did not distinctly acknowledge his services. The orders issued by the Secretary of State as to the bombardment of Kagosima exhibited the greatest possible ignorance in respect to Eastern cities. From China to Egypt the yamah, or principal residences, was surrounded by outer buildings, and it was, he contended, impossible in these cases to engage the forts and at the same time to prevent the town from being burnt. Admiral Kuper, moreover, fought under the greatest disadvantages; indeed, he was convinced that had not that gallant officer been trammeled by the action of another, he would never have fought under the circumstances nor in the position in which he did. There was no spot at which he could anchor with any reasonable chance of holding on, so that he was obliged to fight under way, and as it happened in a breeze, which ended in a gale, and with such an oscillation of his ships that he could not possibly avoid, in attacking the forts, setting fire to the town. The Admiral had been directed to destroy the castle of Prince Satsuma; and he had done absolutely nothing which did not necessarily accompany his obedience of that order. He should further say that he believed the destruction of the town did not lead to anything like the same scene of misery which would follow such an operation in a European country. The people of the East easily escaped from their lightly constructed dwellings, and soon repaired the losses which they thus sustained. As an illustration he might observe, that he had seen on the 30th of November, 1822, 14,000 houses destroyed in Canton by a conflagration which lasted only ten or twelve hours. Being engaged at the time in the East India Company's service in that quarter, he was employed in trying to save the inhabitants, but not a single soul was to be found to be saved, except a few women with very small feet who could not get away. Not a single man could be discovered in the place, but many were to be seen sailing down the river with chests before them, in which they had been able to pack up all their effects at a moment's notice. On returning to the town two years after he saw the streets exactly in the same state as they were before the fire took place, and the same signs over the doorways; so that he could bear testimony to the fact, that when an Eastern city was burnt, there was not anything like the misery occasioned which the hon. Gentleman who opened the discussion that evening had so graphically depicted.

Mr. W. E. FORSTER said, that he had listened to the speech of his hon. Friend the Under Secretary for Foreign Affairs with great pain; with great pain for two reasons — first, because he had hoped that the Government would have been willing to accept the very moderate Resolution of the hon. Member for Maidstone ; and, secondly, because he was sorry to hear his hon. Friend defending an act when committed by our own countrymen, which, had it been done by others, he would have most loudly condemned. He did not intend to enter at all into the question of the treaty, because the House could hardly judge the general policy of the Government in Japan until they had received information as to what was then and was likely to be in future their real position with reference to Prince Satsuma, the Tycoon, and the Japanese people. What they were called upon to do that evening was to express an opinion upon the bombardment of Kagosima. Before addressing himself to the general question, he would refer to a matter of detail which was of some importance. On page 100 of the blue-book there was a memorandum of a conversation which took place between Admiral Kuper and Colonel Neale and the Japanese envoys on the night of the 14th, the day before the bombardment. At the end of that memorandum there was this curious paragraph—

> "Admiral Kuper: Colonel Neale wishes to settle the question with you amicably; and if by to-morrow at ten o'clock a.m. you do not do so, the matter will be handed over into my hands, when I shall commence by not allowing a single boat to pass."
>
> (The Japanese officials rose to leave.)
>
> "Colonel Neale: Your reply, which may be a refusal, having been delivered, do you propose further to communicate with us?
>
> "Admiral Kuper: We wish you to communicate with us again to-morrow before ten a.m., your boat flying a white flag."
>
> "Japanese: Perhaps we will send before ten to-morrow morning."
>
> "Admiral Kuper: That would be better."
>
> "Colonel Neale: Your envoys and boats will not be molested whatever may be the nature of your despatch."

Yet it appeared from Admiral Kuper's despatches both to the Admiralty and to Colonel Neale, that, notwithstanding that there had been an understanding that the envoys of Satsuma were to be allowed that interval before the matter was placed in the hands of the Admiral, at daylight the next morning, he sent vessels to seize the steamers and thereby in effect commence hostilities. He did not advance that as a charge against either the Admiral or Colonel Neale, but it was a matter which needed explanation, more especially after the gratuitous assertion of the Under Secretary for Foreign Affairs, that the invitation to Admiral Kuper and Colonel Neale to go ashore was given with a perfidious intention of entrapping them into an ambush. Such might have been the case, but there was no proof that it was so, and therefore such an assertion ought not to have been introduced into the debate. Approaching the general question, there were two points upon which they were all agreed. They all felt how deplorable and lamentable was this terrible tragedy, and they all shared in the regret which had been felt throughout the country that it should have happened. The only question was whether it was matter merely for regret or also for blame ; and, if so, upon whom did the blame rest? The question whether there was any blame depended upon whether or not the destruction of the houses of unoffending inhabitants was intentional. The hon. Under Secretary had not exactly denied that it was intentional. He had rather followed the curious expression in the Royal Speech, in which the word "incidental" appeared to have been used with the view of giving the idea that the occurrence was accidental, without exactly saying so. He had attempted to throw doubt on the reasons given by the hon. Member for Maidstone, for believing that the bombardment was intentional, but when the public had read the two speeches they would, he believed, remain of opinion that such was the case. There was really abundant proof that it was intentional. There were the private letters, two or three of them written by officers, and one probably by the master of the *Euryalus*. Those letters were written without any inducement to misrepresent the truth, the writers apparently having no idea that the shelling of the town would be considered in England a wrong or disgraceful act. They were, therefore, impartial and truthful, and they contained over and over again such expressions as "We shelled the town," or "The town was shelled." The statements in those letters would carry conviction to the minds of the British public. Then go to the official despatches. What did they establish? They began with the statement that Admiral Kuper and Colonel Neale, a few hours before the contest commenced, threatened the Japanese envoys with the destruction of their town, and ended with a statement from Colonel Neale that they had carried out their instructions in letter and in spirit, and among other things had reduced the capital of Satsuma to ashes.

Some hon. Members might have been surprised that the Motion had not been met with the usual answer, "Wait for explanations from Japan." He, however, was not at all surprised, because he ventured to prophesy that when the explanations were received they would be full of wonder that we should have expected anything else than exactly what had happened. He said, therefore, that inasmuch as the act was undoubtedly intentional, it was blameworthy. His hon. Friend had mentioned several cases in which he said that similar acts had been committed by other Governments. He did not know the particular circumstances of those cases, but the cheers of abhorrence with which the mention of some of those acts was received, convinced him that the Government would find it necessary to accede to this Resolution; for he felt sure that the House would think that this was a matter in regard to which it was their duty to call the Government to account, and that if they were eloquent in denunciation of the atrocities of other countries, they ought to be still more careful to express their opinion upon those of their own. He dared say that the hon. and learned Attorney General would take part in the debate, and he hoped that he would state whether it was in accordance with the laws of war intentionally to destroy the houses of unoffending people and non-combatants in a large town.

Then came the question, If the destruction of the town was blameworthy, upon whom ought the blame to fall? It could only fall among three people. It might fall upon all three, upon two, or upon only one of them. It might fall upon the Admiral who conducted the bombardment, upon the Minister who instigated it, or upon the Minister at home who gave the instructions which led to it. He must say that he did not acquit any of them. He did not acquit Admiral Kuper altogether, but he acknowledged as much as any Member of the House that great allowances must be made for him. He was placed in most difficult circumstances. It was evidently a difficult battle to conduct; there were all the naval difficulties which had already been described, and great allowances must be made for the Admiral. He did not wish to press upon him too severely, but he was sure that even his own friends must regret the tone of his despatch and the absence of any expression of sorrow for what he had done. However, they must not judge a sailor too hardly on such a matter. Colonel Neale he considered more deeply responsible than Admiral Kuper, because it was his business, having the Admiral under his orders, and being constantly by his side, to consider what would be the result of the operations as regarded humanity and as regarded our policy. But Colonel Neale was in a most difficult position, and great allowances must also be made for him. Colonel Neale for a whole year had been living in constant danger of assassination, and he must say that, after most carefully reading his despatches, he could not but admire the general courage and forbearance with which he met the difficulties of his position. They must also remember that he had behind him an alarmed and indignant body of Englishmen, who were pressing him to violent action, which pressure—and he ought to have credit for that—he had most commendably resisted. Both the Admiral and the Minister were in a most difficult position, and all depended upon the tone of the instructions which they received from home. He must honestly confess that he exceedingly deplored the manner in which those instructions were conveyed to them. Earl Russell, writing to Colonel Neale on the 24th of December, 1862, said—

> "If the Daimio Satsuma should not immediately agree to and carry into effect the terms demanded of him, the Admiral should go with his own ship, and with such others as he may think fit to take with him, or he should send a sufficient force to the territory of the Prince, which I have been informed is a peninsula on the most southerly point of the island. He has a port, I am told, at the south-west end of the Island of Kiu-siu. The Admiral or senior naval officer will be better able to judge than Her Majesty's Government can be, whether it will be most expedient to blockade this port, or whether it will be possible or advisable to shell the residence of the Prince."

It was quite clear that the idea of shelling the residence of the Prince was suggested by the Foreign Minister, who must or ought to have known that it would be impossible to shell that residence without shelling the town. It was indeed quite clear that the idea of shelling the town was suggested in that despatch; and so it seemed to have been understood by both Admiral Kuper and Colonel Neale, for on the second day —when there was no excuse of the hot blood of conflict—when the first conflagration was over—he fired at some batteries which were being raised on the hill above him, and in doing this he said he took the opportunity of shelling the residence of the Prince on the other side of the harbour, in the course of which the remaining half of the town was destroyed. Taken by themselves, the proceedings of the first day might have left it doubtful whether the destruction of the houses was intentional, but what took place on the second day could leave no doubt on the matter. At page 97 would be found Admiral Kuper's description of his doings on the second day, and his own words showed that he went in to carry out Lord Russell's suggestion, and in doing that destroyed the other half of the town. The Admiral said—

> "On the following afternoon, the gale having moderated, and as I deemed it necessary to remove the squadron to a safer anchorage than the great depth of water opposite Kagosima afforded, and having also observed the Japanese at work erecting batteries on the hill immediately above the little bay where the small vessels were at anchor close to the shore, we weighed, and passing in line between the batteries of Kagosima, steamed out, and anchored to the southward of the island. The opportunity was taken to shell the batteries on the Sakeira side, which had not been previously engaged, and also the palace of the Prince in Kagosima. These operations were attended with complete success: there is every reason to suppose that the palace has been destroyed, as many shells were seen to burst in it, and the fire, which is still raging, affords reasonable ground for believing the entire town of Kagosima is now a mass of ruins."

[Mr. LAYARD: We had an imperfect knowledge of the place.] That might be, but it was no excuse. There were shops in London in which books might have been bought which would have informed the Foreign Office that Kagosima was a large and thickly populated place. The hon. and gallant officer opposite (Sir James Elphinstone) would have told them that the Prince's residence was likely to be in the very middle of the city, and certainly they ought to have been acquainted with all such facts before they sent out such instructions. They might say that they were too much occupied, but what occupation could be more useful than preventing such events as these? Certainly, what with giving lessons in humanity to Russia, and lecturing Austria and Prussia on international law, the Foreign Office had been very busy lately; but, after all, that giving uncalled for advice was a mere luxury. Their proper business was, when they took the direction of important operations such as that under consideration, to obtain all the information in their power. It was no excuse for the Foreign Office to say that they sent out the despatch with imperfect knowledge. Probably there was no one in the kingdom who would more regret the sending of his despatch than Lord Russell. He had declaimed eloquently against such transactions on a former occasion, and any one who had watched his career would know how deeply he would regret that such lamentable results had flown from the carelessness with which he had written his despatch. Still, it would have been fairer to Admiral Kuper, and to our Minister out there, it would have been more honourable to this country and to himself, if he had candidly expressed that regret, and if he had said he was sorry for the carelessness of his despatch. There was no sign of any feeling of that sort in the despatches which he had written since the news of this bombardment came to England. But what the noble Lord had failed to do it was the duty of the House of Commons to do. Since he had been in Parliament much time had been taken up in discussing the conduct of foreign Princes and people. He was not one of those who believed that these expressions of moral disapprobation did much good. It was impossible for foreign countries to believe that we were merely talking; they thought that there were acts behind our words, and, being perplexed as to whether our moral reprobation was to be enforced or not, they became provoked and irritated. Our expression of opinion misled the oppressed and irritated the oppressors, seldom convinced, and much less seldom persuaded. But there could be no doubt that it was the duty of the House of Commons to express its opinion on such acts as these committed by the authorized agents of the Crown. He hoped that his hon. Friend would consent to the Amendment which had been moved by the hon. and learned Gentleman opposite, for it was no part of the business of the House to apportion the blame; and that then the Resolution would be accepted by the Government. It was impossible for the House to repair the harm which had been done. They could not compensate those who had been turned out of their houses, nor call to life again the women and children who had been killed; nor could they erase from the memory of the Japanese the lesson Admiral Kuper had taught them as to the value of commercial intercourse, and the superiority of Christianity and civilization. They would long remember how, only a few hours after Admiral Kuper told them we were the first nation in the world, and that they were barbarians, he showed them the difference between English civilization and Japanese barbarism. The House should express its disapproval of the act which had been committed, and therefore clear themselves of all responsibility for it. It could, by the vote proposed, tell our Admirals and Ministers abroad, and also our Ministers at home, that they were responsible for such outrages—for the destruction of a town containing 180,000 inhabitants, without warning or notice—and that, if such atrocities were repeated, they would be visited with more severe condemnation than that contained in this moderate Resolution, which, he believed, would receive the assent of the country, and which he trusted the Government would accept.

The ATTORNEY GENERAL: Sir, the debate has gone very fully into the whole policy which of late years has been pursued in Japan. Into that wide field I do not intend to enter, but I think it most important that the House should remember what is the Motion on which it is proposed to vote. Assuming, in accordance with what appears to be the general agreement of the House, that the words proposed to be omitted are left out, the Motion will run thus—

> "That this House deeply regrets the burning of the town of Kagosima, as being contrary to those usages of war which prevail among civilized nations, to which it is the duty and policy of this country to adhere."

We shall, therefore, not be voting on any particular question connected otherwise than most remotely with the general policy of this country towards Japan; but we shall be affirming three propositions, as to two of which no doubt can be entertained in this House or the country, the third being one which, on consideration, I think they will find it impossible to adopt. What are these three propositions? The first is that the House deeply regrets the burning of the town of Kagosima. In its address to the Crown the House has already echoed the expression of Her Majesty's deep regret, shared by the whole country, that this calamity should have occurred; and neither the hon. Gentleman who moved this Motion, nor any other hon. Member, I venture to say, can with more fervent sincerity express his regret than I and all those who sit around me are prepared to do. As to the second proposition, that it is the policy and duty of this country to adhere to the usages of war which prevail among civilized nations, there can be no possible difference of opinion; and I am happy to say that I can take no exception whatever to the statement of the usages of war prevailing among civilized nations which was made by my hon. Friend the Member for Maidstone. It will be a sad day when any of those usages are questioned; for nothing can be more certain than that the wanton destruction of the dwellings or property of innocent non-combatants, the wilful ravaging of a country, or the burning of a town or city, without any necessity arising out of the legitimate exigencies of war, is clearly condemned by the usages of all civilized nations. And it must not be supposed that my hon. Friend the Member for Southwark, in referring to those usages as having in practice admitted the bombardment of towns, intended for one moment to let it be understood that he or any Member of Her Majesty's Government could for a moment contemplate such an event as the bombardment of a large town with many inhabitants without the utmost horror and regret. Nevertheless, it is undoubtedly true that the usages of war prevalent among civilized nations, do not proscribe with any absolute prohibition military operations which may involve even that deplorable consequence: and therefore it would not be true to say that the burning of the town is of itself contrary to the usages of war prevailing among civilized nations, unless you could show that it was a wilful and wanton and unnecessary act, in no degree consequent on or required by the exigencies of military service. On that subject the very authorities to which the hon. Member for Maidstone referred are those to which I should wish to appeal. He read a passage from Martens, in which it was said:—

> "All the means necessary to the reduction of a fortress are justified by the laws of war; consequently, there are cases which may authorize the demolition or burning of the suburbs. But, except in cases of necessity, it is now admitted that the besiegers ought to direct their artillery against the fortificatious only, and not intentionally against the public edifices or any other buildings either within or without the ramparts."

If the House affirms that the usages of war have been violated in the present instance, it must come judicially to the conclusion that Admiral Kuper did intentionally direct his artillery, not against the fortifications, but against the dwellings of the peaceful inhabitants surrounding the city. I beg to put this point before hon. and gallant Gentlemen, who always stand up with becoming zeal for the gallant services to which they belong. It is impossible to affirm the words in this resolution without attributing that deliberate intention to Admiral Kuper; for the moment it is admitted that the conflagration was the inevitable consequence of operations necessary to the military service in which he was engaged, it is plain that the case is outside the rule laid down, the terms of which I have just read. My hon. Friend quoted a passage from Vattel in which that writer speaks with horror of unnecessary bombardments and burnings of towns, which he says are to be regarded as odious and abominable. But that same writer says that though—

> "The law of nations, while it condemns all hostility which in its own nature and independent of circumstances does not contribute to the success of our army, does not increase our strength, or weaken our enemy; on the contrary, permits or tolerates every act which in itself and in its own nature is proper for the purposes of the war, without stopping to consider the degree of necessity in the particular case—at all events, unless the exception from the general rule rests upon the clearest evidence."

It is obvious that if we throw upon every Admiral or General employed in naval or military service the burden of justifying in each particular case the precise degree of severity which he used, where any misfortune results from operations undertaken to give effect to his instructions, we are placing him in a position in which no officer ought ever to be placed, and rendering it impossible for any one to be employed without incurring the risk of perpetual odium and disgrace. Had Earl Russell written a despatch to Admiral Kuper or to Colonel Neale, saying, "Her Majesty's Government order you to proceed to Kagosima and bombard the town," it would have been the duty of the officer to execute that dreadful command, throwing the whole responsibility upon Her Majesty's Government. But what were the instructions issued by Earl Russell? "The Admiral, or senior naval officer, will be better able to judge than Her Majesty's Government can be, whether it will be most expedient to blockade this port, or whether it will be possible or advisable to shell the residence of the Prince." It is impossible to say that these instructions relieved the Admiral from the duty of adhering to the usages of civilized nations. There is no instruction to set those usages at defiance; no direction to bombard without necessity a peaceful town and destroy the inhabitants. There is an express reference to the discretion and judgment of the naval officer, and no command whatever to commit unnecessary and wanton acts of destruction upon private dwellings or residents. Admiral Kuper did not intentionally fire on private buildings; he executed an operation of war. And there is not one of those writers who says you cannot reduce castles, or fortresses, or batteries, because by the operations necessary for that purpose it may happen that suburbs or peaceful dwellings surrounding these fortifications will be destroyed. Let the House consider what the consequences would be if such a rule were laid down. From this very case it appears, that in Japan there are a number of great feudal lords or petty sovereigns, who, having their own castles and fortifications—nay, apparently having taken measures to provide themselves with fleets and men-of-war without regard to the Tycoon, or any other authority in the country, are carrying on war with anybody who may sail a vessel through the straits—French, Dutch, or American, all alike. In that state of circumstances some persons, no doubt, will hold that the best course would be to retire from Japan altogether, and to withdraw from future intercourse with that part of the world. As I said before, I will not enter into that larger question. But suppose you do not withdraw? Will any one undertake to say that this nest of feudal lords, or robbers, or whatever you please to call them, may carry on war on their own account directed against the commerce of all civilized nations, and upon land may murder any Europeans who happen to meet their bodies of retainers, and yet are to be entirely exempt from the operations of war in return, because, forsooth, these castles, or ships of war, or fortifications, are so situated, that it is difficult to reduce or take them without the risk of damaging some unoffending habitations? All I can say is, that in this case we have an instance of those horrors of war which should make us wish to see war as seldom as possible; but if we are to deal with the usages of civilized nations, it is quite certain that no usage ever accepted by civilized nations exempts from the operations of war military castles, batteries, and fortifications, such as those of the Prince of Satsuma. And because calamities of this kind may follow naval and military operations, are you, therefore, to abstain from the latter altogether? Operations involving such consequences may be good policy or they may be bad policy, but they are not contrary to the usages of civilized nations. The authorities referred to in this debate all say that if those deplorable casualties follow from the legitimate operations of war, the usages of civilized nations do not proscribe them, however much humanity may deplore them. Therefore I say it is impossible to vote for the motion unless the House think that Lord Russell, Colonel Neale, or Admiral Kuper did wantonly, willingly, and in a manner not necessary for the legitimate purposes of warlike operations, cause the destruction of this large town. Well then, I ask, Is there any foundation for this accusation against any one of those three persons? As to Earl Russell, I have heard some gentlemen say that he ought not to have authorized—for he did not direct—that he ought not to have indicated, or suggested operations against the residence of the Prince Satsuma—not a private residence, the House will observe, but the castle of a great military lord, without knowing more than he did know about it — namely, without knowing its situation in reference to the buildings which, it now appears, surrounded it. My hon. Friend the Member for Bradford (Mr. Forster) has expressed an opinion, for which no doubt he has reason, that Lord Russell might have discovered that the residence of this Daimio was near the buildings of the town of Kagosima. From any inquiries which I have been able to make, as to the means of acquiring information on the subject, it appears to me that we were not within reach of that information. It is therefore that Earl Russell states he has not that information, and leaves it to the naval officer to exercise his discretion. But, whether you blame Earl Russell or not for doing that which, I suppose, has been done in every warlike operation—namely, indicating the general character of the operations which it may be advisable to take, and leaving it to those on the spot to form a better judgment than could possibly be formed at home—one thing is clear, that Earl Russell did not order wantonly, willingly, and unnecessarily the destruction of the private residences of the peaceful inhabitants. If Earl Russell had known the exact situation of affairs, I say without fear of contradiction from any one acquainted with the writings of the authorities on these subjects, he would have been justified in giving instructions to our agents to reduce those fortifications and silence those batteries, even though the accomplishment of these objects might involve the destruction of the town. But Earl Russell did not act in that way; for when he was aware of what might follow from such operations, he writes "Avoid all operations that may lead to such consequences." It may be said that it is a pity he did not know that, and give these instructions sooner. No doubt Earl Russell may regret that he was not aware of those circumstances sooner; but will any one blame him for not having anticipated the consequences that followed from the first attack? Still more will any one seriously say that in writing that despatch Earl Russell ordered the destruction of these buildings wantonly, willingly, and unnecessarily? As to Colonel Neale, it is not fair that because he was on board the Admiral's ship he is to be considered as having stimulated that officer to destroy and shell the town, and that the responsibility of what was done by the Admiral should be thrown upon him. Colonel Neale did what I believe is always done under similar circumstances. He handed over the responsibility to the Admiral, leaving him to exercise his discretion as to the measures which ought to be taken. In page 82 of the papers hon. Members will find that, writing on the 15th of July to Admiral Kuper, Colonel Neale says:—

> "I have, therefore, the honour to request you to direct such portion of the squadron under your command as you may deem expedient to proceed, as early as practicable, to the territory of the Prince of Satsuma, with the view that I may be enabled to prefer the demands I have been instructed to make, and, in the event of a refusal on the part of the Prince to accede to those demands, that I may be in a position to call upon you to adopt such coercive measures as you may consider best calculated to enforce their acceptance."

There is not the least reason to believe that any other course than that was taken by Colonel Neale. Then, will it be said that Admiral Kuper was guilty of wantonly, willingly, and unnecessarily shelling the town? If so, I must say I think that is an accusation entirely unsupported by the facts of the case. One observation made by my hon. Friend the Member for Bradford is entirely erroneous, and contains a very serious imputation on the Admiral—namely, that having on the previous evening told the messengers of the Prince of Satsuma he would give him till ten o'clock the next morning to make his submission, he acted in a manner inconsistent with that promise, and commenced operations at an earlier hour. I say there is no foundation for that. On the contrary, as I read the account as given by the Admiral, I say that he faithfully kept his word. The passage referred to by my hon. Friend is on page 97 of the papers, but in it the Admiral does not say he commenced operations at an earlier hour. What he says is—

> "I immediately directed Captain Borlase, of the *Pearl*, to proceed at daylight on the following morning with a portion of the squadron to a bay to the northward of Kagosima, for the purpose of seizing and bringing to our anchorage three steamers, the property of the Prince, which had been previously ascertained to be lying there; Captain Borlase was also desired to avoid, as much as possible, all unnecessary bloodshed or active hostility."

It was perfectly justifiable for him to direct a portion of the squadron to go into a position for service at an earlier hour than ten o'clock, because he had no reason to believe the evening before that there would be a message of peace, although he had promised not to commence operations till ten o'clock in the morning. He does not in the despatch say that he commenced operations before that hour. On the contrary, he observes that the steamers arrived at the anchorage during the forenoon. I think it was not generous of hon. Members to refer in the tone they have done to the passage in p. 99, where Admiral Kuper says,

> "Kagosima is at my mercy; hostilities once commenced, your town would be destroyed, and I shall stop your trade both here and at the Loo-Choo Islands."

Admiral Kuper saw that the destruction of the town was likely to result from his operations, and he gave them notice of it; and will the House believe that he was not sincere when he gave instructions, the next day, to avoid all unnecessary bloodshed? And if he did give notice of the danger, will the House believe that they were not prepared for that danger? What brought the danger on? Was it aggressive action on the part of Admiral Kuper? No, but it was aggressive action on the part of the batteries, that opened a hot and destructive fire on the ships; and, after the notice of the previous day, I say that either the party of the Prince had taken measures to inform the inhabitants of the danger, or they were the persons culpable for not having done so. Admiral Kuper gives an account in the despatch of his engaging the batteries; but there is not a word in that despatch, from first to last, of his throwing shells on purpose into the town. I think it must be conceded that the burning of the town resulted from the operations of the first day, and that it was destroyed owing to the inevitable circumstance that the batteries were to be silenced. Referring to the operations of the first day, the Admiral says—

> "One-half of the town was in flames and entirely destroyed, as well as a very extensive arsenal or factory, and gun-foundry, and five large Loo-Choo junks, the property of the Prince, in addition to the three steamers already described. A heavy typhoon blew during the night, and the conflagration, increasing in proportion to the height of the storm, illuminated the entire bay."

That, I think, gets rid of the inference that one-half the town was destroyed on the first day, and the other half on the second. What does he say of the operations of the second day? That he shelled the castle and the batteries, but not that he shelled the town. This is the passage—

> "On the following afternoon, the gale having moderated, and as I deemed it necessary to remove the squadron to a safer anchorage than the great depth of water opposite Kagosima afforded, and having also observed the Japanese at work, erecting batteries on the hill immediately above the little bay, where the small vessels were at anchor, close to the shore, we weighed, and passing in line between the batteries of Kagosima, steamed out and anchored to the southward of the island. This opportunity was taken advantage of to shell the batteries on the Sakura Sima side, which had not been previously engaged, and also the palace of the Prince in Kagosima. These operations were attended with complete success; there is every reason to suppose that the palace has been destroyed, as many shells were seen to burst in it; and the fire, which is still raging, affords reasonable ground for believing that the entire town of Kagosima is now a mass of ruins."

From these passages it would clearly appear that the burning of the town is to be attributed to the operations of the first day, and not to those of the second. What we have to decide is, whether the gallant officer wilfully and wantonly burnt the town. No one will pretend to say that Admiral Kuper had instructions needlessly to burn the town; so that, if the House adopts this Resolution, the whole responsibility will rest upon Admiral Kuper. Such an inference, however, cannot be justly drawn, and the House will, I am sure, do what is always done,—namely, place the fairest and best construction on the acts of public servants. I was, I own, a little surprised to hear the hon. Member for Maidstone in that very admirably-toned speech—marked, as it was, by great ability and conceived in the best spirit—lay so much stress on certain letters and accounts from private but anonymous sources, which have appeared in the newspapers. All our experience is, that common sailors and people engaged in such operations are not so much alive as ourselves to the distinction between shelling a town and shelling fortifications. As a matter of fact the town suffered from the fire, but many of these people seem to think the more harm that is done the better. Thus, ignorant people writing from the spot would be tempted to magnify the horrors of the scene as so many points of congratulation. No doubt persons of small reflection, and writing in hot blood, would not anticipate the manner in which these events would strike persons in cold blood and sitting at home. But because they might think the burning of the town a good thing, are we to say that Admiral Kuper did intentionally and unnecessarily shell the town? If, on the contrary, the House should be of opinion that he confined his fire to the batteries, how can we affirm that he has done an act "contrary to those usages of war which prevail among civilized nations?" If that were really true I am far from saying we ought not to acknowledge it. But if, as I contend, it is not true, are we to send forth to foreign countries, and to the Japanese themselves, accusations against ourselves, and declare that we did this act wantonly, unnecessarily, and for the purpose of destruction? What has happened has been a legitimate consequence of military operations, and shall we then accuse ourselves falsely of having done wantonly that which we regret? I am sure that Admiral Kuper regretted the burning of the town at the time as much as we do now; for although it is true that he does not express on the face of the dispatch the sentiment of regret with which the news was received by Earl Russell and by the country, yet it must be remembered that a despatch of this kind is a detail of what has occurred, and is very seldom made the vehicle of the sentiments and feelings of those who write it. I believe it would be an act of the greatest injustice to Admiral Kuper to suppose that he did not regret the burning of the town. If we could see the private letters he wrote from the scene of action, I have no doubt it would be found that he regretted and deplored it as deeply as any one. Were his operations then directed against the peaceful inhabitants, or the castles and forts of a person whom we had a right to treat as an enemy? I assert that the Admiral did not wilfully and wantonly destroy all these dwellings, and I do not believe the House will do so great an act of injustice as to affirm this Resolution, although I believe it agrees with the general principle enunciated by my hon. Friend. I felt most deeply the picture of the calamity which he drew. I am sure that every single individual would join in the expression of regret at this calamity, but we are not therefore to malign ourselves and calumniate our officers by saying that what has been done has been contrary to the usages of war which prevail among civilized nations.

MR. WHITESIDE: I have listened, as I always do, with great pleasure and profit to the hon. and learned Gentleman. He is sure to express himself with perspicuity and ability, but he has found it hopeless to convince the House that an event which has been the subject of general regret in the country should not meet with the expression of similar sentiments on the part of the House of Commons. In the biography of Gibbon it is stated, that that accomplished Minister Lord North used to slumber between his Law Officers of the Crown, and, it is added, that he might safely slumber between the pillars of the Law and State when supported on the one side by the skilful eloquence of Wedderburn, and on the other by the majestic sense of Thurlow. We are familiar with the "majestic sense," and we may expect soon to hear the "skilful eloquence." The Attorney General commenced his speech in rather a professional manner, by dividing a simple proposition into three parts. The first part of the Resolution meets his approbation. We may deeply regret the burning of the town of Kagosima. Why, said the hon. and learned Gentleman, Her Majesty in her Speech regretted the fact. The expression of that regret, however, is no argument against the Resolution, but rather a strong support of the Resolution. The hon. and learned Gentleman next expounded the law of nations, and he did it with the candour which might have been expected from his eminent ability. If my hon. and learned Friend had made out that there was an absolute necessity for the burning of the town, he might have established his case. I was surprised to hear my hon. and learned Friend begin a subtle disquisition on the words of the instructions given to Admiral Kuper. I understood him to attempt to prove that Earl Russell did not mean what he had expressed. This House always views with disfavour an attempt to explain away that which has been clearly expressed by a Minister of the Crown, and which has led to serious consequences. There are two hon. and gallant Gentlemen on this side the House who have said, that if they had been in Admiral Kuper's place, and had received the instructions given by Earl Russell, they would have gone in and done the same thing. If you interpret instructions by the consequences that flow from them, and if Admiral Kuper did the thing he thought he was warranted by his instructions in doing, is it a manly thing in Earl Russell to say that he never meant that thing at all, and that the responsibility is to be shifted to the officer who did the act? I say that the thing was intended to be done. The instructions are clear. Who pointed out the destruction of the palace of Prince Satsuma as one of the measures that might be necessary? Who defined the two things that were to be demanded from the Tycoon and the Prince Satsuma? Earl Russell; and the Admiral and the Ambassador pursued their instructions literally. Colonel Neale is a man of ability and tact. He managed matters to this point that—he was dealing with the Government of Japan—he had obtained an apology and an indemnity from that Government. What did Earl Russell say in a short despatch of three lines? He said that Her Majesty's Government accepted as satisfactory the apology of the Japanese Government. He dealt with the Government of the Tycoon as the Japanese Government. This touches the argument of my noble Friend, the Member for King's Lynn (Lord Stanley), to which no answer has been given by the Attorney General. The day that this indemnity was agreed to the question was settled, for Earl Russell admits that the Japanese Government had done all that they could do. Colonel Neale, however, in pursuance of the second branch of his instructions, announced that he had now to deal with the refractory Prince. What was the answer of the Japanese Government? They warned Colonel Neale not to undertake this matter, and not to invade the Prince of Satsuma. They said, "Owing to the present unsettled state of affairs in our empire, which you witness and hear of, we are in great trouble, and intend to carry out several plans. Supposing, now, something untoward were to happen, then all the trouble and care both you and we have taken would have been in vain and fruitless." But they did proceed to deal with the refractory Prince. The Attorney General says that they had not the least design upon the town of Kagosima. There is one line in this book which my hon. and learned Friend has forgotten. In a conversation between the Admiral, Colonel Neale, and the Japanese officials before the bombardment, Admiral Kuper says, "The settlement of this matter can be no longer delayed, Kagosima is at my mercy. Hostilities once commenced your town will be destroyed." Now, can any man argue after that declaration that the Admiral did not understand his business was to destroy the town in destroying the forts that protected it? Observe, too, the singularly complacent manner in which Colonel Neale communicates to Earl Russell how his orders were carried out, because the Attorney General puts the question upon this footing, that it was not intended in carrying out the instructions that such deplorable mischief should be done. He says—

> "I have the satisfaction to report to your Lordship that the instructions with which I have been charged, onerous as they were palpably and in fact, and having reference to the outrage of last September, have been carried out in letter and in spirit."

It might have been thought that Colonel Neale would have expressed something like regret at the extremities to which he had been forced to have recourse. No! Mark the words in which he points out how the instructions which the Attorney General finds it so difficult to understand have been carried out in letter and in spirit.

> "The indemnities demanded of the Tycoon's Government are afloat on board Her Majesty's ships. I have had the honour to transmit to your Lordship the written apology of the Government of Jeddo; and, in respect to the Prince of Satsuma having ill-advisedly sought to evade the specific demands which Her Majesty's Government deemed it advisable to direct me to make upon him after due consideration of all the circumstances, and, after long forbearance, his capital is in ashes, his foundries destroyed, and his steamers burnt. It remains for me to trust that Her Majesty's Government may deem that my instructions have been thus fulfilled."

Fulfilled! — how? In bombarding the forts, and in returning next day and destroying the town, which had been partially destroyed the day before. Therefore, adopting the views of the hon. and learned Attorney General, when Admiral Kuper and Colonel Neale complied with the instructions of Earl Russell, and destroyed the town, we are to declare that it was necessary from the particular circumstances of the case and according to the usages of war. But what answer has been given to my noble Friend (Lord Stanley)? I do not know that we ever made war upon the Doge of Venice, but what would you think of this—to demand satisfaction from the Doge first, and, having got it, then to say, "We must next proceed against a particular noble, and get satisfaction from him also?" By acting in that way every one of those Daimios might be made the objects of a separate war; and yet, while we hold ourselves at liberty to pursue each individual noble, at the same time by dealing with the Government of the Tycoon we admit it to be really the Government of Japan. The hon. and learned Gentleman gave no answer to the argument that when once Earl Russell got from the Government an apology and an indemnity to the amount of £100,000, he then demanded £25,000 from the Prince of Satsuma, and in addition that some persons should be capitally punished. The Admiral said, "I am ordered to get you to execute some people;" but the Japanese replied, "We are in the habit of punishing only the guilty in this country, and would it not be much more satisfactory that we should discover the real offenders?" But it is said in one of these despatches that the chief agent in the commission of the outrage is generally understood to have been the father of the Prince himself; and 'tis no wonder in that case that no power you have yet been able to bring to bear upon him is calculated to coerce the Prince to deliver up his own father to condign punishment. I confess if you went to war because the Prince had not handed out his father to be executed, you would appear to me to be a most unreasonable body of persons. But whether you look at the principle involved, or the manner in which it has been worked out, the question now seems to be, as was shown by the hon. Member for Bradford (Mr. W. E. Forster), whether you intend to practise in your own persons, and in your own country, those principles of humanity which you are so ready to advise all other nations in the world to adopt. It is said that you rule only to bless, and conquer only to spare; but if you uphold the wrong that has been done in Japan, your laurels will be tarnished, and in vain will you represent yourselves as the most humane nation upon the earth. It has been urged that these proceedings were undertaken to propitiate the commercial interest in the country. Commerce may be good, the pursuit of wealth may be right—I speak in a House where many commercial gentlemen sit; but it is to their honour that they have been the loudest in condemning that which the Under Secretary seemed to intimate had been done for their especial advantage, and that they still hold more dear than wealth or commerce the honour of their country and the interests of humanity.

Mr. Whiteside

VISCOUNT PALMERSTON: The right hon. and learned Gentleman who has just sat down said, that there was one point which had not been adverted to by my hon. and learned Friend—namely, the double demand which has been made in Japan. That point I will explain immediately. Now, Sir, it is unnecessary to travel over ground which was so ably gone over by my hon. Friend the Under Secretary, and my hon. and learned Friend the Attorney General. But I must say, in the first place, that the treaty with Japan was in my opinion a wise and a useful arrangement. I believe I may appeal to Gentlemen on the other side to bear me out in that. It was concluded with the treaty-making power of that country. Although there is a division of authority in Japan, there being a spiritual chief, the Mikado, as well as the Tycoon, yet there is no doubt whatever that the Tycoon is the treaty-making and governing power, and that was admitted by the Prince of Satsuma in a conversation with Colonel Neale, in which he said—

> "The Tycoon was to blame when he made that treaty for not having inserted in it a clause giving to Daimios exclusive possession of the roads in which they might make their processions."

That I say is a distinct admission that the Tycoon is the treaty-making authority binding on the country. Well, that treaty has been in force now for several years; we have appealed to it in cases in which we considered its provisions not duly carried out, and it has never been urged in reply, that it was not binding because it had not received the sanction of the Mikado. Therefore, I dismiss altogether the doubts as to the binding nature of the treaty as having been made only by the Tycoon. I think no man can doubt that British subjects, both officials and private merchants, having been subjected to repeated acts of outrage, attempted and perpetrated in Japan, it would have been unbecoming, unfitting, and criminal in the British Government to allow those outrages to pass unpunished without demanding reparation or redress. We should have been exposing our fellow-subjects in Japan, resorting thither under the stipulations of the treaty, to the murderous caprice of these Daimios and their retainers, who, as my hon. Friend stated, exercise such undisputed sway in the country, that when they purchase a new sword and want to try the edge, they sally forth into the streets and cut down the first person they meet there. It was necessary, therefore, for the security of our fellow-subjects and the honour of the country that satisfaction should be demanded for these outrages.

But then I am asked, "Why have you demanded satisfaction both from the Tycoon's Government and from the Daimio, by whose retainers these particular outrages were committed?" The fact is this:—There was a double default. The Tycoon's Government were bound to give security to British subjects within the range of their authority. This outrage was commenced within the range of their authority. It was committed upon the road called the Tokaido, which had been expressly assigned for the use of British subjects, in order that they might take their exercise there with security and without molestation. It was the duty of the Tycoon's Government, if they knew as they did that a body of the Daimio's retainers were going in procession along the road on a given day, and if they knew and expected that any meeting between the procession and British subjects might lead to violence, I say it was their duty in such a case to have stationed guards upon the road in order to protect Europeans. We were, therefore, justly entitled to require from the Tycoon's Government a sum sufficient to operate as a fine upon them for not affording proper protection to British subjects in a place in which our countrymen were entitled to be.

We were also entitled to demand the punishment of the retainers who had committed the outrages. But the Tycoon's Government said, "We are unable to afford this redress. These Daimios are so powerful, that they defy our authority. We cannot get you satisfaction; if you want it you must go to the Daimio and get it yourselves." Then we demanded, in the first place, satisfaction from the Government for their default in not taking those precautions which they might have taken, and which it was their duty to take; and we demanded satisfaction from the Daimio whose retainers committed the outrage by which a British subject had so grievously suffered. And really, when we are told by the hon. Member who moved the Amendment that this was a sort of chance medley, a casual encounter, which was below notice on the part of the British Government, I do not think we should have been justified, and I am sure the nation would not have thought us justified, in holding the lives and limbs of British subjects so cheap. Sir, I cannot compliment the hon. Member upon the good taste he showed in that part of his speech. Well, then, satisfaction was demanded and satisfaction was granted by the Tycoon's Government, who consented to pay the sum we required. But Prince Satsuma refused. Were we to submit to his refusal, or compel him to give us that redress to which we were so justly entitled? I say that we should have failed in our duty if we had not resorted to the means which were at our disposal for the purpose of compelling this brutal Daimio to give us satisfaction for the outrage. It was not simply for the purpose of punishing him; it was also for the purpose of deterring others from these murders, which were so frequently attempted, and which had in some cases unfortunately been actually committed. Why, the attack upon our Legation, the murder of two sentries at the door of the Legation on another occasion—both of those atrocities were committed by the retainers of Daimios who were specially employed by the Tycoon's Government to protect the very people whom they so barbarously attacked and, in some cases, murdered. It was necessary, I say, for the protection of British subjects, that these Daimios should be taught that although they might set at defiance the authority of the Tycoon, they could not with impunity commit outrages upon British subjects. Admiral Kuper was therefore ordered, in case redress was refused, to use force in order to obtain it. My noble Friend at the head of the Foreign Office gave instructions, not simply on his own authority, but instructions sanctioned by the Government, and for which I take as full a responsibility as any that can attach to him. I entirely approved at the time, I entirely approve now, of the course which my noble Friend took; and I say that it was the only course which was consistent with his duty as a Minister of the Crown, and as representing the interests of this country abroad. Did my noble Friend say, "Go and burn a defenceless town?" No such thing. He left it to the discretion of the Admiral, either to blockade the town and port belonging to Prince Satsuma, or to destroy his forts and his castle if that could easily be done. Admiral Kuper performed his duty as a British officer ought to perform it. He did not begin an attack upon the forts. He demanded satisfaction and parleyed for two days with the envoys of Prince Satsuma. As my hon. Friend (Mr. Layard) said, they tried by acts of treachery first to inveigle him and Colonel Neale ashore, and we know pretty well what would have happened to them if they had fallen into the trap; and next to surprise the vessel and take it by asking permission to bring forty armed retainers on board. This leave was given, but a party of marines of equal force was ranged opposite to them, and they then thought it better to re-embark in their boat, without carrying out the object for which they had come prepared. After two days spent in negotiation, Admiral Kuper sent to take possession of the steamers by way of reprisal, and if Prince Satsuma had yielded to our demands those steamers would have been released, and no harm would have been done to his forts, his palace, or to the town. But while these steamers were in the possession of our ships the forts opened fire upon the British squadron. I trust there is no man in this House who will maintain that, when a British admiral commanding a squadron is fired at by a foreign battery, it is not his duty to return the fire and to teach the enemy that British ships are not to be insulted and attacked with impunity. Well, then, Admiral Kuper was compelled to burn the steamers, in order that his ships might be free for action. In the course of that action the town was set on fire, and we deeply regret this incident. But the House must recollect the circumstances under which the action took place. There was a violent gale. The ships were firing in a troubled sea. It is one thing to fire at an object when you have your gun upon a fixed platform, as on shore; it is a very different thing to fire at an object when your gun is in a ship rolling in the waves, when at every moment it shifts its position, and when the aim you take is not the point at which the shot strikes. When in addition to a violent storm they here had the smoke and heat of action, I think the House will see it was impossible to be sure that the shot would not go over the batteries and fall into the town. As my hon. Friend has stated, in all human probability the population of that town had received notice to quit their habitations, and very few of them were in the houses which were burnt. We know that when questions arose at Jeddo and other places, it was recognized as a sign of hostile intentions on the part of the Government that the Japanese population quietly disappeared from the town, and there is every reason to hope that similar warning was given to the people of Kagosima, and that very few were in their houses when the conflagration took place. Towns in Japan are built of the frailest possible materials. It is well known that these islands are subject to frequent and severe earthquakes. The people cannot, dare not build their houses of solid materials, lest the shock of the earthquake should bring them down. They are built of wood, of bamboos, and of paper, which yield to the oscillations of an earthquake. That temple in which our Legation was housed at the time when that murderous attack was made upon them had only paper partitions, and when the members of the Legation were drawn up in one room they thought themselves lucky that their assailants did not come to them through the partitions, instead of winding along the tortuous passages from which they were ultimately expelled. I say then that the burning of the town was not the result of any intention on the part of Admiral Kuper, but was merely incidental to an action which was not brought on by us, but was begun by the Japanese, and upon which the Admiral could not, in point of honour and of duty, refrain from entering and returning the fire of the batteries.

It is said that on the next day he shelled the castle; it was his duty to do so. The object was to teach the Daimio by personal loss that he and his retainers were not with impunity to sacrifice the lives of British subjects. It was proper and right for Admiral Kuper to direct his shells against the castle of the Daimio, but that does not show that he directed his fire against what remained of the town; but the violent wind which still prevailed naturally spread the conflagration which had begun, and probably extended it over the greater part of the town. We are called upon to say that we regret that result. Well, Sir, we entirely concur with that sentiment; but it has been already expressed in the most formal manner in the Speech of Her Majesty's Commissioner at the opening of the Session, and has been adopted and repeated in the most formal manner by this House in the Address voted in reply to that Speech. It is not usual for this House to go on repeating in a less formal manner that which has been more formally expressed before. Therefore, I say, reading the Motion by the Amendment which has been moved, and which, no doubt, will be agreed to, it is reduced to two points—regret at the conflagration of the town, and an opinion that the bombardment of towns is inconsistent with the usual practice of war among civilized nations.

Having disposed of the regret by saying that we entirely partake of it, and that this House has already in a formal manner expressed that feeling, I will notice the other point — the assertion that the bombardment of towns is inconsistent with the practice of civilized nations in time of war. That assertion is not correct—it is not consistent with truth. There are innumerable instances of towns having been bombarded. Some have been already mentioned, and I have a list of many others. History and records of passing events show that the practice of bombarding towns in time of war is unfortunately not unusual. Therefore, to assert that such practice is inconsistent with the usual practice of war among civilized nations would be directly contrary to the facts described as historical records. I lament that the practice of civilized nations has been such ; I think it is desirable we should not imitate it, and it is not our practice. We abstained from it in the Russian war, as in the case of Odessa, which we knew contained great magazines of various kinds essential to the supply of the Russian army ; but we abstained from attacking Odessa, which was not a fortified town, as we thought it would not be in accordance with the feelings of this country to attack an undefended town, even to deprive the enemy of stores which would be useful to him for hostile operations against us. Denying entirely the truth of the position that the bombardment of towns is at variance with the practice of civilized nations in time of war, I am perfectly ready to agree that it is a practice which we disapprove, lament, and certainly are not disposed to follow. Therefore, although I cannot accept the truth of the statement itself, I do accept the meaning and spirit upon which that statement is made. I should hope that my hon. Friend will be satisfied with the tone which has prevailed in this debate. No one, I think, has maintained that it is a practice that ought to be followed to bombard towns for the purpose of destroying the houses and property of non-combatants and innocent persons ; but nobody can deny that if that be the result of a conflict between attacking forces outside and defending forces inside, it is one of those incidental casualties of war which are among the calamities attaching to hostile operations. Therefore, I hope my hon. Friend will be satisfied with having obtained an admission of the principle for which he contends, and not be disposed to press his Motion to a division, as it would be mere surplusage to express regret, and it would be contrary to historical fact to say that the bombardment of towns is not practised among civilized nations. When the Amendment is disposed of, I should propose to meet the Motion with the previous question ; but if my hon. Friend would withdraw it, I think it would be the most fitting termination of a discussion the tone and temper of which must have been satisfactory to him.

Question put, and *negatived.*

Amendment made.

Main Question, as amended, proposed.

MR. BUXTON said, his main object had been to test the opinion of the House as to the burning of towns in order that the case in question might not form a precedent for future imitation. He did not think the expression in the Queen's Speech was sufficient for that purpose, but combining that with the clear and vivid expression of opinion by the Attorney General and the noble Lord, he thought his object was sufficiently attained, and therefore he should ask leave to withdraw his Motion.

Previous Question put, "That that Question be now put :"—(*Viscount Palmerston.*)

The House *divided* :—Ayes 85 ; Noes 164 : Majority 79.

AYES.

Adderley, rt. hon. C. B.
Aytoun, R. S
Baines, E
Bathurst, A. A.
Bazley, T.
Bright, J.
Brooks, R,
Cave, S.
Cole, hon. H.
Collins, T.
Corry, rt. hon. H. L.
Cox, W.
Crossley, Sir F.
Cubitt, G.
Dalglish, R.
Dawson, R. P.
Denman, hon. G.
Disraeli, rt. hon. B.
Duncombe, hon. W. E.
Dunne, Colonel
Du Pre, C. G.
Edwards, Colonel
Elphinstone, Sir J. D.
Ewing, H. E. Crum-
Farquhar, Sir M.
Ferrand, W.
FitzGerald, W. R. S.
George, J.
Grenhall, G.
Greene, J.
Gurney, S.
Hadfield, G.
Hamilton, Lord C.
Hamilton, I. T.
Hay, Sir J. C. D.
Hennessy, J. P.
Hibbert, J. T.
Hubbard, J. G.
Humphrey, W. H.
Hunt, G. W.
Ingestre, Viscount
Kelly, Sir F.
Kinglake, A. W.
Lawson, W.

Leatham, E. A.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, hon. H. G.
Lindsay, W. S.
Longfield, R.
Lygon, hon. F.
Macaulay, K.
Macdonogh, F.
Manners, right hon. Lord J.
Morgan, hon. major
Naas, Lord
Noel, hon. G. J.
O'Neill, E.
Packe, C. W.
Pakington, right hon. Sir J.
Parker, Major W.
Peacocke, G. M. W.
Peto, Sir S. M.
Pilkington, J.
Powell, F. S.
Roebuck, J. A.
Sclater-Booth, G.
Seely, C.
Selwyn, C. J.
Smith, J. B.
Smith, S. G.
Somes, J.
Stanley, Lord
Stracey, Sir H.
Sykes, Colonel W. H.
Taylor, Colonel
Tottenham, Lieut.-Col. C. G.
Walcott, Admiral
Westhead, J. P. Brown-
White, J.
Whiteside, rt. hon. J.
Whitmore, H.
Wyndham, hon. H.
Wyndham, hon. P.

TELLERS.

Lord R. Cecil
Mr. W. E. Forster

NOES.

Acton, Sir J. D.
Adeane, H. J.
Angerstein, W.
Archdall, Captain W.
Astell, J. H.
Baring, H. B.
Baring, T. G.
Barttelot, Colonel
Bass, M. T.
Beach, W. W. B.
Beale, S.
Beaumont, S. A.
Beecroft, G. S.
Bellew, R. M.
Bentinck, G. W. P.
Berkeley, hon. C. P. F.
Brady, Dr.
Bramston, T. W.
Bridges, Sir B. W.
Briscoe, J. I.
Bruce, H. A.
Buller, Sir A. W.
Bury, Viscount
Butler-Johnstone, H. A.
Butt, I.
Calthorpe, hon. F. H. W. G.
Cardwell, rt. hon. E.
Castlerosse, Viscount
Chapman, J.
Clay, J.
Clifford, C. C.
Clive, Capt. hon. G. W.
Codrington, Sir W.
Coke, hon. Colonel
Collier, Sir R. P.
Cowper, rt hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Damer, S. D.
Davey, R.
Dering, Sir E. C.
Dodson, J. G.
Duff, M. E. G.
Duff, R. W.
Duke, Sir J.
Dundas, F.
Dundas, rt. hon. Sir D.
Dunkellin, Lord
Dutton, hon. R. H.
Enfield, Viscount
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fane, Colonel J. W.
Fenwick, H.
Fermoy, Lord
Fitzwilliam, hon. C. W. W.
Foljambe, F. J. S.
Fortescue, C. S.
French, Colonel
Gard, R. S.
Gavin, Major
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. G.
Goddard, A. L.
Goldsmid, Sir F. H.
Gore, J. R. O.
Gore, W. R. O.
Goschen, G. J.
Gower, hon. F. L.
Gregory, W. H.
Gregson, S.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Haliburton, T. C.
Hanbury, R.
Handley, J.
Hankey, T.
Hardcastle, J. A.
Hardy, J.
Hartington, Marquess of
Headlam, rt. hon. T. E.
Henley, Lord
Hervey, Lord A.
Hodgkinson, G.
Horsfall, T. B.
Hutt. rt. hon. W.
Kinglake, J. A.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E.
Laird, J.
Layard, A. H.
Lefevre, G. J. S.
Levinge, Sir R.
Lewis, H.
Locke, J.
Long, R. P.
Lowe, rt. hon. R.
Mackinnon, W. A.
Manners, Lord G. J.
Martin, P. W.
Massey, W. N.
Miller, W.
Mitchell, T. A.
Montagu, Lord R.
Morris, D.
Morrison, W.
Mowbray, rt. hon. J. R.
Neate, C.
Newdegate, C. N.
North, Colonel
North, F.
O'Hagan, rt. hon. T.
O'Loghlen, Sir C. M.
Paget, Lord C.
Palmer, Sir R.
Palmerston, Viscount
Paxton, Sir J.
Peel, rt. hon. Sir R.
Peel, rt. hon. F.
Peel, J.
Pender, J.
Pennant, hon. Colonel
Pinney, Colonel
Ponsonby, hon. A.
Potter, E.
Powell, J. J.
Repton, G. W. J.
Robartes, T. J. A.
Rothschild, Brn. M. de
Russell, H.
Russell, A.
Russell, F. W.
Salomons, Mr. Ald.
Scott, Sir W.
Scourfield, J. H.
Seymour, A.
Shafto, R. D.
Sheridan, H. B.
Smith, A.
Smith, Sir F.
Smyth, Colonel
Stansfeld, J.
Steel, J.
Sturt, H. G.
Sturt, Lieut.-Col. N.
Talbot, hon. W. C.
Tempest, Lord A. V.
Thompson, H. S.
Tollemache, hon. F. J.
Tracy, hn. C. R. D. H.
Turner, J. A.
Turner, C.
Villiers, rt. hon. C. P.
Walter, J.
Weguelin, T. M.
Whitbread, S.
White, L.
Wickham, H. W.
Wood, rt. hon. Sir C.
Woods, H.
Wynn, C. W. W.

TELLERS.

Mr. Brand
Sir W. Dunbar

HOLYHEAD HARBOUR.—(VESSELS WRECKED, &c.)

RETURNS MOVED FOR.

COLONEL DUNNE said, he wished to state that £2,000,000 had been spent on Holyhead harbour, which was in his opinion as foolish a piece of engineering as ever disgraced any country. He therefore rose to move for the following papers :—

> "Return of the number of vessels wrecked or driven on shore in or adjoining to Holyhead harbour of refuge in the gale of the 3rd of December, 1863 ; stating the names of those which were lost or damaged after drifting from their anchorage ; the names of those the masts of which were cut away to save them from going on the rocks ; the names of those lost or damaged in the attempt to enter the harbour during the gale ; and the number of persons who lost their lives on the occasion. And copy of the depositions made before the Collector of Customs by the survivors, in accordance with section 432 of the Merchant Shipping Act of 1854."

He feared the Government had come to a foregone conclusion not to do anything for Holyhead harbour, or at least that they were not prepared to construct works of a sufficiently substantial character. He was anxious, therefore, to know what plan they intended to carry out,

Mr. HENNESSY seconded the Motion.

Mr. MILNER GIBSON said, that there was no objection to produce the papers asked for, but the hon. Gentleman was under a misapprehension when he said, that there was a predetermination on the part of the Government to do nothing for the improvement of Holyhead harbour. On the contrary, they were anxious to do all they could for it. Contracts had been made, and he believed the works had been commenced. They were going to carry out the alternative plan, which seemed to find favour with the Committee. It would afford a good sheltered berth for packets arriving, where passengers and goods could be landed without delay and in safety; and there would also be a berth for the reserve packet. The engineer was in hopes that the works would be completed in a few months. He trusted that when these improvements were effected, the packet service, which had always been meritorious, would be conducted with great punctuality. The company would have no excuse for any delays, and the Government would be able to enforce penalties if they were incurred.

Mr. GEORGE said, the City of Dublin Steampacket Company's vessels had, on an average of passages during the last two years, been within the four hours stipulated in the contract. He hoped the Government would not only give the required shelter, but also construct a gridiron for facilitating the cleaning of the boats.

Colonel FRENCH said, the Chancellor of the Exchequer had, on a former occasion, used words which gave rise to an impression that the Government were against improvement in this harbour.

The CHANCELLOR of the EXCHEQUER repudiated any such expression.

Mr. LAIRD said, he was glad that some of the recommendations of the Committee were going to be carried out.

Motion *agreed to.*

MOTION FOR SUPPLY.

Committee on Motion, "That a Supply be granted to Her Majesty:"—Lords Commissioners' Speech *referred:*—Motion *considered.*

(In the Committee.)

Lords Commissioners' Speech read.

Resolved, "That a Supply be granted to Her Majesty."

Resolution to be reported on *Thursday.*

REGISTRATION OF COUNTY VOTERS.

Select Committee *appointed,*

"To inquire into the present system of registration of County Voters for Members of Parliament in England and Wales, and whether any and what other provisions should be made for the registration of such Voters."—(*Mr. Dodson.*)

And on February 16, Committee *nominated* as follows:—

Mr. Walter, Mr. Dodson, Mr. Hunt, Mr. Algernon Egerton, Mr. Henry Austin Bruce, Viscount Ingestre, Mr. Sclater-Booth, Mr. Locke-King, Sir Edward Colebrooke, Mr. Longfield, Mr. Collins, Mr. Locke, Mr. Evans, and Mr. Charles Wynn nominated other Members of the Committee. Power to send for persons, papers, and records. Five to be the quorum.

Instruction, "That the Committee have power to inquire into the sufficiency of the powers vested in Revising Barristers for enforcing order in their Courts, and to report upon the same."—(*Mr. Hunt.*)

APPEAL IN CRIMINAL CASES ACT AMENDMENT BILL.

Bill to amend an Act of the Session of the eleventh and twelfth years of Her Majesty, chapter seventy-eight, to provide a further Appeal in Criminal Cases, and for the further amendment of the administration of the Criminal Law, *ordered* to be brought in by Sir FitzRoy Kelly, Mr. William Ewart, and Mr. M'Mahon.

CHURCH RATES COMMUTATION BILL.

Bill for the Commutation of Church Rates, *ordered* to be brought in by Mr. Newdegate and Lord Robert Montagu.

Bill *presented,* and read 1°. [Bill 8.]

TRESPASS (IRELAND) BILL.

Bill to amend the Law of Trespass in certain cases in Ireland, *ordered* to be brought in by Mr. William Ormsby Gore and Captain Archdall.

CHAIN CABLES AND ANCHORS BILL.

Chain Cables and Anchors *considered* in Committee.

(In the Committee.)

Resolved, "That the Chairman be directed to move the House, That leave be given to bring in a Bill for regulating the proving and sale of Chain Cables and Anchors."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Laird and Sir James Elphinstone.

Bill *presented,* and read 1°. [Bill 9.]

SIR JOHN LAWRENCE'S SALARY.

Resolution *reported.*

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. Massey, Sir Charles Wood, and Mr. Baring.

Bill *presented,* and read 1°. [Bill 10.]

House adjourned at a quarter after One o'clock till Thursday.

HOUSE OF LORDS,

Thursday, February 11, 1864.

UNITED STATES.

THE AMERICAN CORRESPONDENCE.

QUESTION.

The Earl of DERBY: My Lords, seeing the noble Earl the Foreign Secretary in his place, I wish to repeat a Question which I put to him on Tuesday last, and respecting which I would now ask the noble Earl to furnish me with more satisfactory information. In doing so I must ask your Lordships' indulgence while I make a few remarks in explanation of my reasons for putting it, which may, perhaps, induce him to reconsider the answer he then gave. The Question I then put to the noble Earl was, Whether he would lay on the table any Correspondence, not only with regard to the *Alabama*, but also as regards the complaints made by the United States of the injuries they had sustained, or apprehended, from other vessels which had left, or may leave, the ports of this kingdom? The noble Earl told me that as that Correspondence included the case of the steam rams seized in the Mersey, it would not be consistent with his duty to furnish it, inasmuch as that question was under judicial consideration. With all respect to the noble Earl, the question before the Courts is one in no degree to be affected by the production of this Correspondence. My Lords, I understand these rams were detained by order of the Government in the month of September last, that they were finally seized on the 27th of October; and that from that time to the present—or at any rate before the meeting of Parliament—no step was taken to bring the case before the Courts. But I am informed that on Saturday informations were filed—a step which I humbly conceive might have been taken in November or December at least; and even since those informations were filed, I am informed that Messrs. Laird have heard from the Treasury that it will be necessary now—four months after the seizure—to send a commission abroad for the purpose of taking evidence to be used in the proceedings. It is quite obvious, therefore, that if we are to have no information on this subject until the case has been brought to a conclusion, it is perfectly in the power of the Government to protract the proceedings, and we shall get no information at all. What I would urge upon the noble Earl is, that the production of the Correspondence between the British Government and the Government of the United States, can have no effect on the case before the Courts; which is simply this,—Have the Messrs. Laird in building these vessels infringed the municipal law of England? I do not ask the noble Earl to produce any information bearing on the legal question which may prejudice his case when it appears before the Courts; but the question between him and the United States' Government is a totally different question. All that the United States have to do with it is this—have we fulfilled towards them as belligerents the duties of international law? Nothing can be more clear than this—that the utmost which any belligerent can claim under the international law is, that from a country with which it is at peace there shall not be sent armed vessels to commit hostilities against him. As far as I can learn, it is not asserted that armed vessels have been sent out from this country—armed for the purpose of committing hostilities against the United States. I quite admit to the noble Earl that the violation of the Foreign Enlistment Act, and the non-execution of our municipal law in time of war, must be a very unfriendly act towards one of the belligerents. If the law is either repealed or not executed, for the purpose of giving advantage to one of the belligerents, it would be just as much an unfriendly act, just as much against the spirit of neutrality, as it would be to strengthen the existing law (which, by the way, has been proposed) for the purpose of making it more favourable to the other belligerents. Either of the two courses is in violation of the spirit of perfect neutrality, and liable to be considered as an unfriendly act. But how is it possible that the question whether we have or have not maintained the obligations of international law towards the United States can be affected by the question now pending in the Courts, whether Messrs. Laird have violated the enactments of our Foreign Enlistment Act—a municipal Act with which the United States have nothing to do? How can any complaint of the violation of international law be affected by this trial? I cannot admit, therefore, that the fact of the rams being before the Courts is a sufficient reason for the non-production of these papers. But, on the other hand, there are some strong grounds why we should have the papers before us at an early period. The noble Earl will perhaps tell me that I cannot want this information, because I have the means of obtaining it at present: — that is to say, the whole of the papers which the noble Earl refuses to produce have been laid before the public—have been laid before Congress and sent over to this country. I have seen a very thick volume containing those papers, which is open to the world. However, I want to see not the American version of this Correspondence, but the English version. I want to see how far the charges made against Her Majesty's Government in connexion with this matter are substantiated, or whether they may not have been replied to by despatches of the noble Earl, showing that he has not sacrificed the honour of the country or violated international law. It was only by the merest accident the other evening, when commenting on Mr. Seward's despatch of the 11th of July, I obtained from the noble Earl the very gratifying information—information which I was very glad to receive—that the despatch in question had never formed any part of the Correspondence, and that it never was presented to the noble Earl. I think Mr. Adams took upon himself a grave responsibility—a very grave one it was—in not presenting it; and I think that in doing so he acted as a friend of peace and a friend of the good relations between the two countries. I think it required no small degree of moral courage to take the course he did, and that he did good service to both countries by withholding the despatch. But in the papers laid before Congress this despatch is included, as if it had been presented to the noble Earl, with no intimation, as I understand, that it had not been so presented. From the way in which it has been laid before Congress it would seem as if there was an intention to show the way in which the United States had menaced England, and the way in which England had received the threat. I do not know why Mr. Seward laid it before Congress unless to gain a favourable opinion from the party who are supposed to be in favour of strong measures against this country. I, am, therefore, anxious that we should have the English version of this Correspondence in order that the noble Earl may be able to satisfy the country that, while showing his anxiety to preserve friendly relations between the two nations, he has at the same time failed to uphold the honour of England. And here I must observe that, in all the communications which it was his duty to make to the noble Earl, Mr. Adams has acquitted himself with the strictest courtesy, and acted as well, under the circumstances, as it was possible to do. Now, my Lords, with respect to those steam rams, I venture to call attention to some communications which I have not seen in the Correspondence as officially published by the American Government, but which I have seen in papers as copied from that Correspondence. Before doing so I beg to correct a mistake into which I fell the other evening when I said that, in the subsequent correspondence, Mr. Adams referred to the despatch of the 11th of July, which the noble Earl says never was presented to him. The despatch which I alluded to was not Mr. Seward's despatch of the 11th of July, but one addressed by Mr. Adams himself on that date to the noble Earl. The similarity of the dates misled me. On the 1st of September the noble Earl, writing to Mr. Adams, says—

> "In the first place, Her Majesty's Government are advised that the information contained in the depositions is, in a great measure, mere hearsay evidence, and generally that it is not such as to show the intent or purpose necessary to make the building or fitting out of these vessels illegal under the Foreign Enlistment Act."

He then goes on to say—

> "Whatever suspicion may be entertained by the United States' Consul at Liverpool as to the ultimate destination of these vessels, the fact remains that Mr. Bravay, a French merchant residing at Paris, who is represented to be the person upon whose orders these ships have been built, has personally appeared, and has acted in that character at Liverpool. There is no legal evidence against Mr. Bravay's claim, nor anything to affect him with any illegal act or purpose; and the responsible agent of the Customs at Liverpool affirms his belief that these vessels have not been built for Confederates."—*Correspondence*, No. 4, p. 12.

That was written on the 1st September. It so happens—I do not know how—that it did not reach Mr. Adams till the 5th; and on the 3rd of September, before he received this answer from the noble Earl, he wrote a letter to the noble Earl in which he states that he had received from the United States' Government a full approbation of the contents of one of his former communications; and then adds—

> "At the same time I feel it my painful duty to make known to your Lordship that, in some respects, it has fallen short in expressing the earnestness with which I have been in the interval directed to describe the grave nature of the situation in which both countries must be placed in the event of an act of aggression committed against the Government and people of the United States by either of these formidable vessels."—p. 13.

Your Lordships will remember that on the 1st of September the noble Earl stated the opinion of the Government that there was no cause of complaint; but I find that on the 4th he writes to Mr. Adams stating—

> "I have to inform you that the matter is under the serious and anxious consideration of Her Majesty's Government."—*Correspondence*, No. 4, p. 17.

On the same day, the 4th, Mr. Adams writes—

> "I have the honour to transmit copies of several papers transmitted to me by Mr. Dudley, the Consul of the United States at Liverpool, relating to the preparation for immediate departure of the steam-vessel fitting out at that place for the purpose of carrying on war against the Government and people of the United States. Begging your Lordship's permission here to record, in the name of my Government, this last solemn protest against the commission of such an act of hostility against a friendly nation, I pray your Lordship to accept the assurances of the highest consideration with which I have the honour to be, my Lord, your most obedient servant."—p. 16.

Your Lordships will observe that in that communication Mr. Adams begs the whole question as to the character of those vessels, and speaks of "the immediate departure" of a vessel which, for six weeks, it would be impossible to have ready. On the 5th, Mr. Adams again writes, and in his communication uses this language—

> "I trust I need not express how profound is my regret at the conclusion to which Her Majesty's Government have arrived. I can regard it no otherwise than as practically opening to the insurgents free liberty in this kingdom to execute a policy described in one of their late publications in the following language."

He then quotes from a Confederate paper, and in the latter part of his letter states—

> "Under these circumstances I prefer to desist from communicating to your Lordship even such further portions of my existing instructions as are suited to the case, lest I should contribute to aggravate difficulties already far too serious. I therefore content myself with informing your Lordship that I transmit, by the present steamer, a copy of your note for the consideration of my Government, and shall await the more specific directions that will be contained in the reply."—p. 17.

Now, my Lords, that is a very plain indication of the view which would be taken by the United States' Government of the decision formally announced by Her Majesty's Government five days before. The noble Earl, in his letter of the 4th of September, announced that the matter was "under the serious and anxious consideration of the Government;" but in the meantime, having to go to Scotland, he loses no time in again communicating with

The Earl of Derby

Mr. Adams. On the 8th of September he says—

> "Lord Russell presents his compliments to Mr. Adams, and has the honour to inform him that instructions have been issued which will prevent the departure of the two iron-clad vessels from Liverpool." —p. 18.

Now, I do not say that the decision at which Her Majesty's Government arrived was a decision come to in consequence of the letters of Mr. Adams; but I must express my opinion that the Correspondence, as laid before Congress and laid before the public, gives the significant step announced in the noble Earl's letter, the appearance of being the consequence of increased pressure. How is the announcement received? Listen for a moment to the jubilant letter of Mr. Adams in reference to the altered tone of Her Majesty's Government. Writing on the 9th of September, he says—

> "I have the honour to acknowledge the reception of your Lordship's note of yesterday, announcing the determination of Her Majesty's Government to prevent the departure of the war vessels now fitting out at Liverpool. I shall take great pleasure in transmitting a copy for the information of my Government."—p. 18.

After referring to this letter of the noble Earl, in a despatch which he writes to Mr. Seward, on the 10th of September, Mr. Adams adds—

> "But a still more significant manifestation of the altered tone of the Government is to be found in the speech made by Lord Russell at the opening of the new park at Dundee yesterday, a report of which is published in the newspapers of this morning. He seems to have rather gone out of his way to take up the subject, in order to announce the policy of the Government. You will not fail to observe the greatly increased firmness of his language, and more especially his intimation that new powers may be solicited from Parliament, if those now held should prove insufficient. This is, at last, the true tone. I confess that I have more hopes of our prospect of being able to preserve friendly relations than at any moment since my arrival in England. Unless some new and untoward event should occur to make other complications, I see no barrier of a serious character to our continuance in peace."

This is laid before Congress, and I defy any one, even the least prejudiced, not to infer from it a great triumph to the diplomacy of the United States, and that the British Government had given to intimidation and menace that which they would not yield to a sense of justice. I should hope this is not the case; but I am anxious that there should be the most emphatic contradiction that can be given to it by the production of the whole Correspondence; and I should anticipate that the counterpart of that which has been laid before the United

States' Congress will be laid before the British Parliament. What mischief can be done by the publication of this Correspondence on the part of Her Majesty's Government, when it has already been published and printed in a book which I have not myself read, but which is open to any one? There is an American version, and we have no English answer to it to show the English people, and the American people also, the mode in which the Correspondence between the two countries has really been carried on, and the way in which our Ministers have vindicated the honour of England. I say that for the Government themselves, it is important that no time should be lost in laying before the world our version of the Correspondence. I ask it on two grounds; first, that its production can in no way affect the question before the courts of law; and, secondly, that we are entitled to an English version of the Correspondence, to neutralize, modify, or reply to that given to the American Congress. I prefer to appeal to the noble Earl rather than make a Motion on the subject; and again, I ask him what practical mischief can be done by the publication of those papers? The second Question I asked the noble Earl to answer was, Whether he would also lay before the House a correspondence relating to complaints and remonstrances made by Her Majesty's Government in various cases where acts of violence, or acts beyond international law and the rights of nations, have been committed by American cruisers upon our vessels; and also any judgments which have been given by Prize Courts of the United States which appear to be founded on principles inconsistent with the recognized principles of international law? The noble Earl said there would be a difficulty in giving a general summary of these transactions; but that if I would move for the papers relating to any particular case, he would consider whether he would or would not produce them. But it is not into any particular case that I want now to enter. I want to ascertain the general principles of international law which have been maintained by Her Majesty's Government; and those, on the other hand, which are contended for by the United States. These cannot be collected from the history of any single transaction. It is for the Government to volunteer a statement to Parliament as to the course they have followed upon these questions. At the same time, in the suppressed document—the despatch which was very judiciously withheld by Mr. Adams—I find the principle laid down, that if the present law of this country should not be altered, and if it remained in conformity with the ruling of the Lord Chief Baron, there would be left for the United States "no alternative but to protect themselves and their commerce against armed cruisers proceeding from British ports, as against the naval officers of a public enemy." Now, I have not the slightest objection to that course; and, upon the assumption that the *Georgia*, the *Florida*, and the *Alabama* are meant here, I only wonder that long ago the Americans, with their large navy, have not taken the step here spoken of, and have not proceeded hostilely against vessels which have been defying all the force of the American navy, and inflicting upon American commerce great injury, for which we are held responsible. I shall join the noble Earl in entering a protest against the possibility of admitting any such claim whatever. But we must not confound with the cases of armed vessels the case of the ordinary blockade-runners, with regard to which strong measures have been taken by the vessels of the United States' navy. Your Lordships are not ignorant that in consequence of the extreme inefficiency of the American blockade there has arisen a very profitable trade in vessels which are employed in running the blockade. But these are unarmed vessels; they have not offered the slightest resistance. They are smugglers if you please, and are liable to be dealt with accordingly; but they are not to be subjected to any harsher measures than what may be legitimately taken against vessels engaged in unlawful traffic. Now, it has happened that one of these vessels, being pursued by an American cruiser, takes refuge close by one of the British islands, lies at anchor within a short distance of the land, and in that position is fired into by the cruiser, so near to the land that shots fired on this unarmed vessel actually pass over her and lodge on the adjoining territory. This, if true, is a gross infraction of international rights, and I want to know in what temper and tone Her Majesty's Government have dealt with a question of that kind, and in what manner their remonstrances have been met by the American Government. There is a very suspicious paragraph in the despatch of the American Government from which I have quoted, because it is distinctly stated that to this end—namely, the taking of effectual proceedings against these armed vessels, and also to obtain indemnity for injuries that may have been inflicted by them—

> "This Government is now preparing a naval force with the utmost vigour; and if the national navy which it is rapidly creating shall not be sufficient for the emergency, then the United States must bring into employment such private armed naval forces as the mercantile marine shall afford. British ports, domestic as well as colonial, are now open, under certain restrictions, to the visits of piratical vessels, and not only furnish them with coals, provisions, and repairs, but even receive their prisoners when the enemies of the United States come in to obtain such relief from voyages in which they have either burnt ships which they have captured, or have even manned and armed them as pirates, and sent them abroad as auxiliaries in the work of destruction. Can it be an occasion for either surprise or complaint that if this condition of things is to remain and receive the deliberate sanction of the British Government, the navy of the United States will receive instructions to pursue these enemies into the ports which thus, in violation of the law of nations and the obligations of neutrality, become harbours for the pirates?"

Fortunately, this despatch was not presented to the noble Earl, but it has been presented to Congress, and we find it there announced as the policy of the American Government to pursue vessels into British ports and there carry on actual hostilities, notwithstanding they are lying under the protection of the British flag, and in British waters. Now, I think it is quite expedient that there should be a thorough understanding upon this question. It is not one to be dealt with at the conclusion of a war, at a period when it may be convenient for the United States to take it up. The question ought not to be left in abeyance, and Parliament ought to be informed what course the Government have taken for the purpose of vindicating our rights and protesting against such doctrines. As an instance of the decisions of the American Prize Courts, I will refer for a moment to the case of the *Springbok.* That case was brought before these Courts, and Mr. Justice Betts laid down his reasons for confirming the seizure of the vessel—a vessel which had nothing contraband on board, and which was in a direct line for the port to which it was ostensibly bound, that port being 100 miles from the blockaded port to which she was supposed to have been proceeding. The doctrines which Judge Betts enunciated were so extravagant in many particulars that they attracted the attention of the French newspapers, which said, in effect—"This is not merely a dispute between the English and the American Governments; it is a decision which affects all maritime nations, and is contrary to all international law." I do not know whether the case has gone before the Supreme Court of the United States. I presume, however, that an appeal has been entered, and, pending that appeal, it is, perhaps, quite right that no further steps should be taken. Some time ago, however, I read the whole of the proceedings in this case, and if they be correctly recorded, it is quite obvious that neither upon the evidence nor upon the principles laid down by the Judge, was there the slightest ground for the seizure and condemnation of the vessel. That is an instance in which the American Courts have apparently, at all events, violated international law; and I want to know how the Government have dealt with this and other instances in which the American cruisers seem to have gone beyond their rights. We ought to have before us the Correspondence in all these cases in order to show, not by the examination of one particular case, but by the examination of the general course which has been taken by the Government, how far the honour and the interests of this country have been guarded and vindicated, as I hope they have. My Lords, I am aware that in bringing forward this subject I have trespassed on your indulgence, but I was anxious to give the noble Earl the opportunity of re-considering his negative answer as to the production of the Correspondence respecting the steam rams, and also that the noble Earl might state whether he would or would not lay on the table documents illustrative of the course pursued in the cases which I have brought under your notice.

Earl RUSSELL: My Lords, I think the best course I can pursue will be to refer as shortly as I can to the case of the iron-clad vessels, and state why I do not produce these papers, taking also some notice of the Correspondence with Mr. Adams, to which the noble Earl has referred. Early in the summer it was a question productive of great anxiety at the Foreign Office to the Under Secretary of State and myself, that two iron-clads should be building at Birkenhead, which, as was generally believed by persons who, though they may have been prejudiced, were well informed, would be used in the service of the so-called Confederate States against the ships of the United States employed in blockading the Southern ports. This subject, I say, naturally caused us great anxiety, and we endeavoured, as far as possible, to ascertain by inquiry the truth with respect to these vessels. Now, it is well known to your Lordships, and so appears from the intercepted correspondence of the Confederate States which has been published, that it was part of the policy of those States to employ in this country agents who were to fit out and equip vessels of war for service against the United States. We naturally endeavoured to ascertain how far these instructions had been acted upon, and what had been done. But we were met at first, as we might have expected, by every kind of evasion. It was declared very positively that the French Consul at Liverpool had said that these vessels were building on French account, and that they were intended for no other purpose. When, however, I came to inquire about this, the Secretary of the French Embassy in this country and the Minister for Foreign Affairs at Paris entirely denied the truth of the assertion. Still, we had not evidence sufficient to show that it was intended that those vessels were to be engaged in the Confederate service; and therefore I wrote not only to Mr. Adams, but to others who applied to me, and stated that for the purpose of enforcing the Foreign Enlistment Act, under which it was proposed that these vessels should be detained, it was necessary to show that they were intended for war purposes, and intended to be used by a belligerent against a State in amity with Her Majesty. Mr. Adams, not acting, I think, entirely with the same discretion which induced him to decline to present to me the note of July 11, wrote rather complainingly and hastily the notes to which the noble Earl has referred. I replied to him on the 1st of September that we had not at that time evidence sufficient for the purpose of convicting the persons engaged in fitting out these vessels; but I added that we were still making inquiries, and that the utmost vigilance would be used in order to obtain evidence as to the real object for which these vessels were designed. Mr. Adams unfortunately did not notice that part of my letter. He complained that we had come to a final decision upon the case of these vessels. But in this he was completely mistaken. Inquiries went on, and then another story was put forward —that the vessels were intended for the Viceroy of Egypt, and were being fitted out in pursuance of a contract made by the French subject to whom I have before alluded with the Pasha of Egypt. It was then necessary to ascertain whether that story was true; and we found that it was as unsubstantial as the other statement. Having done this, and no further evidence having been put forward, which convinced Her Majesty's Government of the real destination of those vessels, these vessels were ordered to be detained, and a few days later were ordered to be seized. Mr. Adams, naturally enough wishing to gain credit for himself with his own Government, attributed the seizure to the effect of his own notes; but, in point of fact, before the most vigorous of those notes to which the noble Earl has referred had been written, the decision of Her Majesty's Government had been come to. At the same time I took care, in a private note, to acquaint with the facts Mr. Stuart, then in charge of affairs at Washington.

The Earl of DERBY: I am afraid the noble Earl must be under some misapprehension on that point. I do not refer to all the vigorous notes, but to the last note dated the 5th of September, and the noble Earl says the decision of the Government was taken before that; but upon the previous day, the 4th, the noble Earl wrote to Mr. Adams to say that the matter was still under the serious consideration of the Government; and it was not until the 8th that the decision was announced.

Earl RUSSELL: If not before the most vigorous notes were written, at least before we received them, the decision had been come to. I cannot say exactly the date of Mr. Layard's note, but it was written before Mr. Adams was informed of the decision. As to the general question, I must say I think Mr. Adams is not wrong in saying, that if a considerable number of vessels are sent from this country armed and equipped and furnished with crews, and that those vessels go as armed vessels to attack the blockading vessels of a country with which this country is at peace—if such expeditions are fitted out in the ports of Her Majesty's dominions, it is, in the first place, a great affront and insult to the authority of Her Majesty, and in defiance of Her Majesty's Proclamation of neutrality; and next, it is taking part in the war in favour of the Confederate States, and against the United States. We, therefore, were most anxious to ascertain what were the real facts concerning these vessels —whether they were intended for any other person than the so-called Confederate States. The noble Earl complains of delay —which, however, is proverbial in law— and that no decision has yet been come to. The noble Earl complained of Commissions having been sent abroad to obtain evidence;

but that was not an unusual course in proceedings at law, and in this case it was peculiarly necessary. When we consulted the Law Officers of the Crown about giving to Parliament the papers in this case, their observation was, "These papers can only be given in a partial form; the partial production of the papers would lead to public inquiry and discussion, and the Government must either suffer from having their case only partially stated, or they must suffer by having their case in a court of law forestalled by a discussion in Parliament;" and therefore it was their earnest request that Her Majesty's Government would not produce the papers. I feel myself bound by that opinion. I feel that I should be doing an injustice to the Law Officers of the Crown and to the case of the Government, if I were to prevent the due consideration by a court of justice by having their whole case previously debated in Parliament, with the assistance of papers which the Government had produced. Therefore, upon every consideration—upon the opinion of the Law Officers of the Crown, and upon the best judgment I can form—I say it would be prejudicial to the course of justice if I were to produce these papers. With respect to the other cases, as to which the noble Earl has inquired—and I have informed him, as he has said, that if he would give me the name of any case about which he wished for information, I would be ready to give it—I must now say, not having very recently turned my attention to the case of the *Springbok*, although I did consider it some time ago, yet, without notice, I am not able to state at once the precise position of that case at present. But there are a great number of cases, and if the noble Earl will leave it to me I will look over the papers. There have been more than a hundred cases, I suppose, in which we have had complaints to make, and have received from the Government of the United States more or less satisfactory answers. I will endeavour to determine what information can be published. But there is a statement which I made last year, and which I beg to repeat now, which is this:—When it is declared that a case has been sent to a Prize Court, and when we know that there is an appeal from that Court to the Supreme Court, which is a tribunal of very high authority, and belonging to a friendly nation, I will not make it a matter of discussion; and I would appeal to your Lordships and to the other House of Parliament not to allow yourselves to be placed in the position of a court of appeal against the Supreme Court of America, but that you will allow that Court to pronounce such decision as it may think proper. If that decision should be of an extraordinary character, or that we should have any cause of complaint against that Court, of course there would be further discussion; but at present it is not so. I will also say again in reference to all these often intricate and difficult cases in which the rights of neutrals are concerned, but in which are likewise concerned the rights of belligerents, we have had controversies and correspondence with the American Government; but with respect to all these questions I must request that your Lordships will allow me to consult the Law Officers of the Crown and to act according to their advice. When the Law Officers tell me that an effective blockade has, in their opinion, been established at certain ports in the Southern States of America, I take that as a good legal opinion and abide by their authority. So, again, when they tell me that a judgment of a prize court of America is just and in conformity with the law of nations as it has been laid down in the courts of this country, or that there are reasonable doubts which would justify a Judge in deciding one way or the other, I do not think it would be right to go to the United States' Government with complaints about that case and ask for redress. But that the United States' Government have in every case done justice to our people and to the owners of our vessels, I am far from maintaining; but all those cases have been matters of discussion. The noble Earl spoke of blockade runners. Now, undoubtedly, the penalty of blockade running is no more than that which is imposed by the law of nations—that is, that vessels attempting to break a blockade, or carrying contraband of war, are liable to capture. But I am sorry to say we have had cases lately in which we had to complain of the unnecessary detention of persons belonging to the crews of such vessels. The American Government on their side say—and they are borne out to some extent by the correspondence which has been found—some of these vessels, bearing British colours, and apparently doing no more than breaking the blockade with goods, are, in effect, vessels belonging to the so-called Confederate Government, and are the property of that Government, although sent out from the blockaded ports under British colours. If that case can be made out in respect of a particular vessel, of course that vessel becomes a belligerent vessel. But that, like many other matters, remains still under discussion, and full information has not yet been obtained. I can only repeat that I will endeavour to look over the papers, and shall be prepared to produce the correspondence with respect to any cases in which I think the noble Earl and the House likely to take an interest; and that if the noble Earl will name any particular case upon which he wishes information, I will either produce the papers, or state what I believe to be valid reasons for withholding them.

CHINA.—DEATH OF LIEUTENANT TINLING.—QUESTION.

Lord CHELMSFORD rose to call the attention of the First Lord of the Admiralty to the particulars of the death of Lieutenant Tinling, of H. M.'s Ship *Encounter*, at Shoushing, on the 5th of March, 1863; and to ask for an explanation of statements made by the Secretary of the Admiralty respecting the same. He begged to assure the noble Duke that his object in doing so was simply to rescue the name of a gallant young officer from an unfounded imputation of having lost his life by his own temerity, while, in fact, he had honourably fallen in the discharge of his duty. Lieutenant Tinling was an officer of the *Encounter*, then lying at Ningpo, under the command of Captain Dew, and had been promoted to the rank of lieutenant for his gallant behaviour at the capture of that place. He was a young man of great promise, and the estimate formed of him by his brother officers would be best shown by two papers which he (Lord Chelmsford) would read to their Lordships. The noble and learned Lord then read extracts from certificates by brother officers, testifying to the generous disposition and gallantry of the deceased. On the 28th of May last, the father of this gallant young man received a communication from the Admiralty to the effect, that they had received a letter from Captain Dew reporting the death of his son from the effects of a wound received under the walls of Shoushing. In the affliction into which the family was thrown by this intelligence, it would have been some consolation to reflect that the son had died fighting gallantly for his country; but even this poor consolation was denied them. The intelligence having been received by an hon. and gallant Member of the House of Commons (Colonel Sykes), with reference to the proceedings at Shoushing on the 29th of May, he put a question to the noble Lord the Secretary of the Admiralty, in answer to which the noble Lord stated that no official intelligence had been received at the Admiralty respecting the death of Lieutenant Tinling, but that he had seen a letter from Captain Dew, stating that he had accompanied the French officers to Shoushing as an amateur. It was a mistake to say that no intelligence had been received by the Admiralty; for the father of the young man had received a letter from the Admiralty the day before announcing his son's death. It was unfortunate that this had been forgotten, otherwise the noble Lord would have hesitated before he wrote a private letter which was so calculated to wound the feelings of this young man's family, He was quite sure the noble Lord did so unintentionally, and that he was quite incapable of doing anything to wound the feelings of any one, much more of those who were suffering under such a bereavement. The painful impression which the statement of the noble Lord produced on this family was indescribable. They were bending under the weight of the blow they had received from the intelligence of the death of this gallant young man, when they learned that the life whose loss they deplored had been sacrificed to the gratification of an idle curiosity. In the House of Commons the same hon. and gallant Member who had before put a Question on the subject again asked explanations from the noble Secretary of the Admiralty (on July 21: see 3 *Hansard*, clxxii. 1172). The noble Lord, in reply, said that he regretted very much the statement he had formerly made, and bore testimony to the gallantry and meritorious conduct of the youth! As to the statement that Lieutenant Tinling had received his death-wound when acting as an amateur, he said he would wait for further information, and that a further and more detailed report had been ordered, and if he were satisfied, he should have the greatest pleasure in apologizing to his family. He did not know whether the Admiralty had received further information, but as far as he understood, the objection of the noble Lord the Secretary of the Admiralty was founded in the fact that Captain Dew had been acting beyond the prescribed range of his instructions, and therefore could not be considered as acting in the discharge of his duty, when he was, in fact, disobeying those instructions. At all events the term "amateur" most inaccurately described the character of the service at Shoushing. This was clear from the letter in which Captain Dew reported the death of Lieutenant Tinling to Admiral Kuper. Shoushing was, he believed, between eighty and ninety miles from Ningpo, where the *Encounter* was lying, and the instructions were that the ships should not engage in hostile operations beyond a radius of thirty miles from one of the treaty ports; but Captain Dew was actually, it appeared, watching the proceedings, and preventing, if possible, any false step of the Chinese, which would have at once imperilled Ningpo, and he stated that he felt himself responsible for the sad fate of this promising young officer. The fact was that Lieutenant Tinling was at Shoushing under the orders of Captain Dew, for the purpose of carrying on the operations of the siege. It appeared that the French officers required a siege gun, and one was borrowed from the *Encounter*. Captain Dew sent Lieutenant Tinling and twelve men with the gun, and they were followed by Captain Dew himself. The gun was taken to Shoushing, and placed upon the carriage by the men of the *Encounter*, about 500 yards from the battery, in the presence of Captain Dew. The French officers placed it in position, and it was while watching the effect of that gun in the siege that Lieutenant Tinling received his death-wound. He was not, therefore, an amateur, but was acting at the time under the orders of his superior officer, Captain Dew. But, even admitting that Captain Dew had been engaged in hostile operations contrary to his instructions, that could not be fairly imputed as blame to Lieutenant Tinling. Lieutenant Tinling was at Shoushing, under actual orders, for the purpose of conveying assistance to carry on the operations of the siege, and he received his death-wound when sent by his captain with a message to the front. Captain Dew might have exceeded his instructions by being engaged in those operations, but that did not prevent a subordinate officer, who was obeying the orders of his superior, being in the discharge of his duty. All he desired in this case was that justice should be done, and that an acknowledgment should be made that Lieutenant Tinling's short and honourable life was nobly ended by a death in the service of his country.

Lord Chelmsford

THE DUKE OF SOMERSET said, he would readily admit that the noble and learned Lord had brought the case forward with the best feeling; and he could himself assure their Lordships that he also felt sincere sorrow for the fate of this gallant young officer, as well as sympathy with his bereaved family. It was, he understood, merely an honourable acknowledgment that he had fallen in the service of his country that Lieutenant Tinling's family sought to obtain; and all that the Government aimed at was to ascertain the facts of the case and to do what was strictly right. It was true that his noble Friend the Secretary of the Admiralty, when first questioned on the subject in the other House, said that he had no information about it; but his noble Friend had been engaged on Committees for several days, and was not then aware that a letter had on the previous day arrived at the Admiralty in reference to the matter. Next day, however, he learned that he had made an error, and the information which the Government possessed was immediately forwarded to the unhappy father, while his noble Friend also took the first opportunity of setting himself right in the House of Commons (on June 1). His noble Friend had been asked to say that Lieutenant Tinling had fallen in the strict discharge of his duty. On that point they had then no complete intelligence; but they immediately wrote to Admiral Kuper, requesting him to call upon Captain Dew to state whether he had ordered Lieutenant Tinling to proceed to the siege of Shoushing, and whether when he fell he was acting under his orders, or as a volunteer. Captain Dew's answer was as follows:—

"H.M.S. *Encounter*, Yokohama,
Sept. 25, 1863.

"Sir,—In reply to your memorandum of this date, referring to my letter of the 13th of April last, wherein I acquainted you under what circumstances Acting-Lieutenant Tinling met his death from a wound received at Shoushing, and wherein you call on me to report, for the information of the Lords' Commissioners of the Admiralty, whether that officer was ordered by me to proceed to the siege of Shoushing, and whether at the time he was acting under my orders or merely as a volunteer, I have to inform you that that much-lamented officer did not proceed to Shoushing by my orders or on duty, but accompanied me at his own urgent request on that as on a previous occasion, when I deemed it necessary for the safety of Ningpo to pass beyond the thirty miles radius, not for the purpose of engaging in hostilities with the Taepings, but rather by my presence and advice to ward off disaster from the Imperial forces. All the officers who accompanied me on these occasions perfectly understood their own and my position, and considered themselves on leave. I repeatedly warned them against exposure to fire, especially on the eve of the assault on Shoushing, when I particularly cautioned Lieutenant Tinling, knowing his fearless nature, and told him and them to bear in mind that I held myself personally responsible for their safety. I feel confident, moreover, that Lieutenant Tinling's last days would have been much embittered could he have foreseen the steps his family have thought right to take regarding his death. I now most respectfully lay before you, Sir, and, if you think right, for the information of their Lordships, a short statement as to my peculiar position at Ningpo, and the grave responsibilities I was continually called on to undertake for the safety of that city and others within the thirty miles' radius. I had instructions from Sir James Hope to carry out the policy of Her Majesty's Government and clear the thirty miles, and this was most happily effected, with a trifling loss, against overwhelming odds, by a small squadron under my orders, assisted by Chinese troops, drilled by ourselves and the French. So highly did Sir James Hope appreciate this service, effected, as he was pleased to state, not as at Shanghai, with a large field force and guns, but simply with our own resources, that he forwarded me no less than five public letters of thanks, to be read on the quarter-deck to the ship's companies. I may now mention my reasons for proceeding to Shoushing, so that you and their Lordships may understand why I passed the thirty miles' boundary, and incurred your own and their censure, and I trust that when that explanation has been given some latitude may be allowed me for transgressing my orders, and if I erred in judgment it will be seen my motives for so doing had at least the public service entirely at heart. Shoushing is the key of Ningpo and the province of Che-kiang, and so long as it was held by the Taepings, who continually threatened Ningpo from it, it would be necessary to keep a large naval force for the protection of the latter city. I had received a communication from you, Sir, to the effect that you were anxious, if the safety of Ningpo would admit of it, that I should join your flag in Japan with a gunboat. The fall of Shoushing alone would enable me to leave Ningpo, so I went to the front, not at first intending to be present at the attack, but merely to urge on the French commander the necessity of making one. General Taidif requested me to remain, as, in the event of an accident to himself, he feared his force would disperse. His worst fears were realized; he fell early on the day of the assault, his officers and men became dispirited, and my presence alone saved a great desertion; *malgré moi*, I had to take the direction of the siege till Admiral James sent up competent officers to relieve me; and in a fortnight, so hard were the besieged pressed, that they evacuated the city, and one of the first provinces in China was regained to the Imperial Government, and I was enabled to leave Ningpo, with a gunboat alone for its protection. Since that time prosperity has returned to Ningpo and its neighbourhood, and it will be a lasting satisfaction to myself and those under my command to know, that through our efforts those ruthless plunderers the Taepings were driven away from their work of spoliation, rapine, and murder. Trusting that you, Sir, and their Lordships will give me at least credit for disinterestedness in my conduct at Ningpo,

"I have, &c., "R. DEW, Captain."

"To Vice-Admiral Augustus J. Kuper, C.B.,
Commander-in-Chief."

Now, he should have acted very discreditably if he had not said that he was satisfied with the explanation which Captain Dew had given. He thought that Captain Dew had acted under the circumstances as a gallant officer would act. He went up to the front, like many others, to see the fighting; but when he got there the French commander told him that he must stay there, because if anything happened to himself, Captain Dew must take the command. Therefore against his judgment, and against his orders in fact, he did stay; but his stay, as it happened, was a most fortunate circumstance. As to Lieutenant Tinling, he behaved, there was no doubt, with the same courage and spirit as he had done before. The Government had had the pleasure of promoting him previously for his conduct in one of the most gallant actions at Ningpo. Lieutenant Tinling served in one of the two or three small gunboats which went to Ningpo. The town had then been for a long time in the possession of the Taepings, who, seeing the smallness of the force, fired upon it. Upon that Captain Dew, as he wrote in his despatch, felt it necessary to attack the town, a place of many thousand inhabitants, which was done with two or three gunboats and the assistance of the French officer's small force. There was no question, therefore, of Lieutenant Tinling's gallantry and courage. There could be no doubt that Lieutenant Tinling was a most gallant officer—he wished the service had more like him—but he was one of those who could not be prevented from putting themselves in danger. On such occasions even the highest officers did not hesitate to risk their lives unnecessarily. When Admiral Hope was expostulated with for having galloped to the front during one of the battles between the Imperialists and the Taepings his reply was, that he wished to see how the Chinese fought, "and besides," he added, "I thought they wanted a little cheering up." The Government deeply deplored the death of Lieutenant Tinling, but with so many gallant young men in the service all over the world such occurrences would take place. For his own part, he was anxious to say anything that would be satisfactory to the unfortunate father, because the service had lost a promising young officer;

but he could do no more than read the despatch of Captain Dew, and express his belief that in writing that document Captain Dew was only actuated by a desire to give a true statement of facts.

EARL GREY said, it must have been painful to the family of Lieutenant Tinling that his conduct had not been properly represented on a former occasion. From the statement of the noble Duke, he (Earl Grey) gathered that Lieutenant Tinling on the occasion on which he met his death, if not actually was virtually on duty; for although it might be that the instructions were that no officers should engage in hostilities beyond a thirty miles radius from the Treaty ports, yet it was perfectly clear that he was acting under the authority of his superior officer. He went up in charge of a gun, and although, no doubt, he was told that the service was not quite a regular one, yet any officer who volunteered for it must be regarded as practically acting under orders. He (Earl Grey) should not, however, have risen to notice this matter, had it not afforded matter of serious consideration in a public point of view. It threw much light upon the inconvenient and most dangerous position which Her Majesty's Government were assuming in China. Two years ago he called attention to the remarkable change which had taken place in the policy of Ministers. They began by prescribing strict neutrality between the Taepings and the Imperialists. Then they issued instructions that Shanghai was to be protected. Our officers were next told that they might protect any of the Treaty ports which might happen to be menaced. At last they were ordered to protect the country within thirty miles of the Treaty ports, because, said Ministers, unless they protected the country it would be of no advantage to protect the ports themselves. Perhaps their Lordships would recollect that he had ventured to point out that this was a line of conduct which must lead to inconvenience. It was neither war nor neutrality. If Ministers were determined to take up the cause of the Imperialists they should send out a force worthy of the British nation, and one which could interfere with effect; on the other hand, if they wished to remain neutral, they should remain really neutral; but, as it was, they were halting between two policies. They could neither make up their minds to see that disorder in China which was the natural result of our breaking down the authority of the native Government, nor yet were they prepared to take upon themselves the difficult task of attempting to restore peace and virtually to protect the Chinese Empire. No doubt they felt that this was a duty which would task to the utmost the whole strength and resources of this country; but, he asked, could any good come of half measures—of ineffective but irritating interference? The public orders to our officers were that they were not to interfere beyond thirty miles from the Treaty ports; but when engaged in the execution of these orders they found, as Captain Dew found, that properly to protect a radius of thirty miles they must extend their operations to a distance of eighty or ninety miles, and to attack a town which was the basis of the operations of the Taepings. It was impossible, as the noble Duke admitted, to complain of Captain Dew for going beyond the thirty miles, considering the instructions he had received to protect the country round the Treaty ports, and the impossibility of otherwise effecting this object; but it was right that their Lordships and the country should ask the Government to adopt in this matter some more decided policy. The lives of gallant English officers and men should not be exposed by expeditions of such inadequate force into the heart of China. If Ministers were resolved upon interfering in the internal troubles in China, notwithstanding their own original determination to the contrary, and notwithstanding the enormous difficulties in which they would thereby be involved, they ought to interfere in such a manner as to have a chance of accomplishing their object. The only effect of their present policy was to prolong the war, preventing either party having a decided advantage. He must add that the Government should lay on the table further papers as to the measures they were taking. Two years ago they told their Lordships that they had authorized an officer of the British navy to organize a force which was to act on behalf of the Emperor of China. Everybody now knew that a considerable force was sent out, but that, in consequence of a dispute with the Chinese Government as to the terms on which it was to be employed, it had been disbanded. Their Lordships had a right to expect Ministers to lay before them information as to the grounds upon which they took the strong and unusual course of issuing an Order in Council giving permission to raise that force, and also as to the causes which had led to its disbandment.

THE EARL OF HARDWICKE said, the statements made by the noble Duke, the First Lord of the Admiralty, would be most discouraging to young officers in the navy. The first lesson taught a young officer was obedience; he was to obey above all things. That which the noble Duke called volunteering was in the case of Lieutenant Tinling simply an act of duty. When an officer was directed to undertake any duty of an arduous kind, a younger officer of spirit who might wish to accompany him could ask the senior officer to allow him to go; the moment he consented, the young officer was under orders and was not a volunteer. Lieutenant Tinling went up the country with a gun which was intended for warlike operations, and everything he did was done under the eye of Captain Dew. The noble Duke said that Captain Dew did not act under orders; and yet he approved of his despatch on the ground of his brilliant services, and in the same breath he said Lieutenant Tinling, who obeyed orders, did not die in the execution of his duty. In this the noble Duke did not understand the nature of the business over which he was placed, or know the gallantry or the character of the British navy.

THE DUKE OF SOMERSET said, he had carefully abstained from expressing any opinion of his own, contenting himself with reading the despatch of Captain Dew, who plainly stated that Lieutenant Tinling was not acting under orders, but that he was on leave, and in a position to act for himself. As to the remarks of the noble Earl on the cross benches (Earl Grey), that Her Majesty's Government ought either to undertake the Government of China or to abandon that country altogether, he (the Duke of Somerset) maintained that neither course would be wise. On the one hand, everybody would admit that it would be preposterous to undertake the administration of the Government of China; while, on the other hand, to abandon Shanghai, where a large number of English merchants resided and where we had an enormous trade, would be equally out of the question. It would not be tolerated in this country that the Government should say, "We will give up our port because the Taepings are coming, and we must not take part with one side or the other." A couple of years ago the Taepings found they were losing ground in the country, and they declared their intention to make up for it by the plunder of Shanghai; and, had it not been for the English and French officers who defended the town, it would have fallen into the hands of the rebels, who would soon have made it as desolate as Nankin and the other places of which they had gained possession. If Parliament really thought that we ought not to maintain our hold on China, then it had better say so in a distinct and decided manner. The experiment of allowing the Taepings to take towns had been tried. Ningpo was a treaty port; it was a place of immense commerce, and its river swarmed with vessels. When the rebels threatened it, it was the opinion of the British authorities in China that it was not our business to defend Ningpo. What was the result? The insurgents came, murdered all the inhabitants who did not succeed in fleeing across the river, and plundered and destroyed the town. The English and French vessels were fired at by the Taepings after they had been for some in possession of the town, but Captain Dew and the French commander would not tolerate such treatment, so they retook the place. The Chinese who were gathered on the opposite bank watching the affair, returned as soon as the town was reconquered. Order was then re-established, shops were reopened, and in about a month the town was restored to its former state of prosperity. The Taepings, however, while they held it kept it in ruins. For his own part he could not approve a policy which encouraged plunder on shore and pillage at sea. As to the pirates, they had caused great havoc among European vessels along the coast of China, and it became a question whether we could continue to carry on our trade in those seas. No doubt it was very desirable that the Chinese Government should possess the power to control their subjects both by land and water; but unfortunately they had not the power, and as long as we traded with China we were in the anomalous position of having to defend ourselves against the rebels and against the pirates. If the Imperial Government could have been furnished with an efficient force under their own command, they might have put down piracy in those waters, and we should then have been relieved from the burden of the extensive, costly, and continuous operations which we had to carry on year after year, and in which gallant officers lost their lives. It would not do to say in a hasty, off-hand way, we must choose between two alternatives, either siding with one party or quitting China altogether. We must be guided by circumstances as they arose, interfering, however, as little as we possibly could.

Earl GREY said, the noble Duke had misunderstood him. He did not say that we ought either to take upon ourselves the Government of the country or to leave it. What he had always said, and what he now held, was that we ought either to remain neutral between the Imperialists and the Taepings, or if we interfered, to do so in a manner worthy of this country. We ought not to send an English naval officer and a dozen men—volunteers—accompanied by a Chinese rabble and a collection of the adventurers of all nations, to risk their lives in the heart of the country. We ought either to stand aloof, or carry our operations in a serious and effectual way. In 1861 the noble Earl (Earl Russell) laid down the rule that we ought not to defend the towns, lest we should teach the Chinese to rely on us, and have the whole burden thrown on our shoulders. What he (Earl Grey) had all along said was, that we committed a great mistake in breaking down the power of the native Chinese Government, and that before we did so, we should have considered how difficult it was, when such an authority had been overthrown, to establish another in its place. The troubles from which we were now suffering were the natural consequences of the policy, or rather no-policy, we had adopted. The noble Duke told them we must be guided by circumstances as they arose. Now this was precisely what he (Earl Grey) complained of; it certainly seemed that Her Majesty's Ministers had never had a clear and definite idea of the policy they meant to pursue, but determined upon each successive step which they adopted with a view to the convenience of the moment, without considering to what consequences it would ultimately lead. But he would not go farther into the subject at present, because this was a question which would have to be fully discussed during the Session, and he hoped the noble Duke would give them every facility for doing so, by furnishing all the papers relating to the formation and dismissal of Captain Osborne's force.

Earl RUSSELL said, his noble Friend who had just spoken maintained that the Government should have taken one of two courses in China—they should either have remained perfectly neutral, or they should have acted, to quote his vague general phrase, in a manner worthy of the dignity and reputation of this country. The former course—the course of being perfectly neutral—was that which was taken in the first instance. We said that the rebellion of the Taepings against the Emperor of China was not a matter in which it was necessary for us to interfere, and that the insurgents might possibly carry on relations of trade and amity with the people of this country. But we discovered the fallacy of that idea. We found that the Taepings never attempted to establish any order or authority whatever; that they had only two notions—murder and plunder; that they killed men, women, and children, even infants in arms, and spread devastation wherever they went. Under these circumstances, we deemed it impossible to refrain from defending our Treaty ports against barbarians of that kind. It was now said that we ought to have acted in a manner worthy of our dignity and reputation. But what did that mean? We could not take part with the insurgents, and in order to espouse the Imperial cause, we should have required a large force. The sacrifices we should have had to make would have been enormous, and the cost immense. Our troops would have had to go to every part where rebellion broke out, now to the north-west, now to the south-east, and they would have been exposed to great hardships and loss of life. Therefore, neither of these two modes of procedure would have suited the interests of this country. We must have had 10,000 men constantly marching through the country to carry out this policy. There remained, however, a third course, which was to protect our Treaty ports, to defend the trade we were carrying on, to check the ravages of the Taepings, and from time to time to allow persons, no matter of what nation, whether English, French, or American, to lend their aid to the Imperial arms. That was the course taken by Her Majesty's Government—it was a course which did not involve any great sacrifice of life or expense, and, moreover, it had been successful. His noble Friend (Earl Grey) spoke as if the consequences of our policy had been most deplorable, but that was a mistake. In the first place, we had developed an extended and flourishing trade. All the evidence showed that the unhappy people whose towns were assailed by the Taepings fled from the houses in which they knew they would be murdered if they remained, and abandoned the cultivation of the soil, which they could not carry on. Whenever, on the other hand, a place had been recovered from the rebels, the inhabitants flowed back again, the peasants resumed the cultivation of their fields, returned to their trade with us, and there arose an amount of prosperity which was impossible under the Taeping rule. Such were the consequences which the noble Earl deemed so melancholy. The policy which produced such results, and imposed no considerable burden on the country, he should always hold to be the best.

Earl GRANVILLE said, he thought it rather unfortunate that the noble Earl on the cross benches should have introduced into an incidental conversation a question of such serious magnitude as our Chinese policy. He desired to say only that he was a personal friend of the father of the gallant and distinguished young man who had so unfortunately fallen. He respected that gentleman as one who had made, to his knowledge, great sacrifices for the benefit of the public service. The letter read by the noble Duke had completely satisfied him as to the official designation which should be given to the particular service on which the young man was engaged at the time of his death. Though there might be some official difficulty in the way of recognizing this service as being " the service of the country,'' yet the value of the young man's previous services was now fully recognized, and it was acknowledged by all that he was in the fullest possession of all those eminent virtues which distinguished the sailor. In fact, his death was owing to his superabundance of those noble qualities which were characteristic of the British sailor.

Lord CHELMSFORD said, the noble Duke must remember the objection to the expression used by Captain Dew in his letter, that Lieutenant Tinling acted only as an " amateur ;" and as he understood the noble Duke had not withdrawn that expression, but rather justified the use of it, he himself thought that a very different character should be given to those services, especially as there was no doubt Captain Dew himself was engaged in hostile operations, and Lieutenant Tinling acted under him. The noble Duke admitted that Captain Dew was so engaged, and Lieutenant Tinling was taking up a gun to be used against Shoushing; though it was said that the officers who accompanied the captain were to be considered as on leave. He thought, that the noble Duke having justified the conduct of Captain Dew, who acted outside his orders and according to his discretion, ought also to have justified Lieutenant Tinling, and to have withdrawn the expression which was offensive to his family, and even to have gone further, and said that he had fallen performing his duty.

The Earl of ELLENBOROUGH said, he had heard with great interest the letter read by the noble Duke, and the impression left on his mind was that Captain Dew was acting not only without orders, but against orders. All the young officers who were with him knew that perfectly well, and Captain Dew's object in writing that letter clearly was to take all the responsibility on himself, and to relieve those young officers from it. It was an act of generosity on the part of a gallant officer. Of course, these officers were acting practically under Captain Dew's orders ; but, like a generous man, he wished to take all the responsibility on himself.

The Duke of SOMERSET said, he had never used the word " amateur " himself ; and Lord Clarence Paget, who had hastily used it, when he was told that it had given pain, got up in the House of Commons and retracted it.

Lord CHELMSFORD was understood to say, that if the noble Duke would turn to the debate of the 21st of July last he would see that the word had not been retracted.

RAILWAY SCHEMES (METROPOLIS).—THE COMMONS' MESSAGE.—SELECT COMMITTEE.

Message from the House of Commons of Tuesday last on the Subject of Railway Schemes (Metropolis) *considered.* Then—

Earl GRANVILLE : Your Lordships will recollect that last year much alarm existed on the subject of the proposed railways through the metropolis, and that there was considerable discussion in your Lordships' House as to whether there should be a preliminary inquiry on the subject of the railways in the metropolitan district ; and also whether that inquiry should be carried on by a Committee, or a Royal Commission appointed by the Government. Ultimately it was decided in the first instance that a Committee should be appointed. That Committee sat, and reported several special recommendations. They pointed out various things that ought not to be permitted, and they suggested various things which ought to be done, and laid down certain principles which ought to govern railway communication in the metropolis. One of their recommendations affected the future conduct of this House with reference to these Bills, and the Committee thought it desirable that there should be a preliminary inquiry, sifting the whole of the schemes which might be proposed. I anticipate, therefore, no opposition now to the appointment of the Committee which I propose. Another point discussed in the matter was as to the manner in which these Bills might be dealt with by both Houses; but, after a full review of this point, and looking to the delicate consideration involved in it, and wishing to avoid any appearance of dictating to the other House, it was thought better to confine the recommendations of the Committee entirely to what could be done in our own House. Certain recommendations were made with reference to reports to be made on these Bills by the Board of Trade and other public Departments, and those have been complied with. A Report of the Board of Trade is already before your Lordships, and to-morrow I shall probably be able to lay before you a supplementary Report of an engineering character, describing the effect of those schemes. The Board of Works and the Corporation of London have also published reports, as recommended by the Committee. The Government are most anxious to act in the spirit of the Resolutions adopted by the Committee of your Lordships' House last year, and they therefore thought that a Committee ought to be appointed in the other House, and your Lordships asked to appoint a Committee of this House—both Committees to sit together and draw up a joint Report. That certainly is going somewhat further than your Lordships' recommendations; and I must add that the precedents for a Joint Committee of this kind are of ancient date, and are rather meagre. There was one in 1695; and there was one in the reign of George III. to conduct an inquiry as to the state of the King's health; but in this latter case the Commons insisted on having double the number of Members on the Committee as compared with the number from your Lordships' House, and this made it impossible to do more than examine witnesses jointly. It became impossible to have a joint Report, and each House therefore presented its separate Report. The fact that your Lordships have power to examine witnesses upon oath, while the Commons do not possess that power in such matters as will form the subject of the proposed inquiry, affords another advantage that will be gained from a Joint Committee. I cannot help thinking that this is an exceptional case, in which the experiment of such a Committee may be very well made. This year the alarm in the metropolis is greater than it was last, and I think it desirable that a body having the authority of a Joint Committee should have the subject before them for calm and mature consideration. I should have been glad if the Members of the Government were not to be called to take any part in the inquiry; but an opinion has been expressed that the Government should give every assistance in their power, and we yield to that opinion. I am glad to be able to state to your Lordships that I believe my noble Friend the Chairman of Committees will find time, notwithstanding his other engagements, to serve on this Committee. If your Lordships agree to my Motion, I shall afterwards move the names; and it is proposed that, after the Message to the Commons, the Committee should meet on Monday next. The noble Earl then moved—

> "That a Select Committee be appointed to join with the Select Committee appointed by the House of Commons, as mentioned in the said Message, to consider the best Method of dealing with the Railway Schemes proposed to be sanctioned within the Limits of the Metropolis by Bills to be introduced in the present Session, and to report their Opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session."

THE EARL OF DERBY: I am not surprised, my Lords, that there should be almost a panic in the metropolis when we contemplate the number, extent, and variety of the schemes with which the whole of the metropolis is threatened. I am told that the total estimated cost of constructing those lines is £35,000,000, and that 8 per cent of the capital, has been deposited. No less than 160 streets of the metropolis will be seriously interfered with by these lines, which are to pass in every direction and by every form of construction—some overground, some underground, and some on the level; they are to run in every possible direction, and appear to have been brought forward without any general scheme, or without any reference one to another. This being the case, I think it is expedient that the matter should be taken up in the way the noble Earl has suggested. Though the course he proposes—the appointment of a Joint Committee—is not one for which there is a precedent of very recent date, I do not object to try the experiment. Neither do I object to members of the Government serving on the Committee; for if I entertained any feeling on the subject of the interference of the Government, it is one of regret that they did not in the first instance take a more active and prominent part—that they did not themselves lay out for consideration what appeared to them to be the best general scheme for accommodating the traffic throughout the metropolis, without having the slightest reference to this company or to that, but considering only the convenience of the public. Then, if such scheme was approved, applications might be received from companies to take it on something like the French system of concession by the Government. That, no doubt, would be a great innovation on our practice, and with regard to other parts of the country, I would not have supported it, but, with regard to the metropolis, the question is so large that it would have been better to have it decided in such a manner as to exclude all private interest or personal consideration from any influence in the decision. I have to present to your Lordships two petitions on this subject—one from the Institution of British Architects, and the other from the Architectural Association—in which they represent the great inconvenience which will arise from the conflict of railway interests; and they also state that no adequate street thoroughfares have been proposed. They express their opinion that the question of street communication should be first and forthwith considered and determined, and that lines of streets should be laid out, having reference more especially to railway termini, and they suggest that all railway projects should be postponed until the question of the great leading thoroughfares have been considered; and they pray that a Committee or a Commission should be appointed on the subject. I cannot say I concur in the entire prayer of the petitioners, because, I think, its practical effect would be to put off the construction of metropolitan railways for an indefinite period; and I do not envy this preliminary Committee the labour they will have to go through. I am glad my noble Friend the Chairman of Committees will be able to find time to serve on the Committee, for his doing so will give the public additional confidence in the mode of conducting the investigation. I should rather like to know on what principle the Committee are going to act—whether the Government are themselves going to put forward any general scheme, which possibly it would be desirable to recommend to the Committee?

EARL GRANVILLE said, he might, as an individual, have some notions as to what the Committee ought to do, but he did not think it would be prudent of any one who was likely to serve on the Committee—a Committee on which he would be happy to have the noble Earl's (the Earl of Derby) assistance—to make his views on the subject known to the public beforehand—views which might be modified or entirely changed by the evidence.

LORD REDESDALE said, he entirely approved of a joint Committee under the circumstances—not, however, as an experiment, but by way of exception, for he considered this to be an exceptional case. The precedents for such a Committee were of ancient date and exceptional character, and appeared to refer to proceedings in which both Houses were jointly concerned, and in which concerted action was necessary, such as when a peer was to be tried on impeachment. The only other course they could take except that now proposed was to appoint separate Committees for both Houses. But inasmuch as the inquiry proposed was an exceptional one of a preliminary character, to determine what Bills, out of a large number, should alone be submitted to the consideration of Parliament, a great difficulty would arise in the event of those Committees arriving at opposite conclusions. A joint Committee was therefore the only feasible plan by which the important subject in question could be satisfactorily considered and disposed of. He did not consider that the appointment of a Royal Commission would be attended with much advantage, inasmuch as it was found in practice that the reports of these bodies on railway matters possessed little weight, and he doubted whether a Commission would have the requisite boldness to deal effectively with these schemes, and decide which should and which should not go forward. Under all those circumstances he was of opinion, that the course proposed for adoption, though an exceptional one, was the best, and he trusted that the joint Committee would be able to present a Report that would give satisfaction. He hoped, however, that in assenting to it, it would be upon the distinct understanding that it should not be considered a precedent for the future action of that House. It was a case of considerable difficulty, and he hoped that a satisfactory report would be the result.

THE EARL OF CARNARVON said, he admitted that in dealing with these schemes it would be of great public advantage to take such a course as would prevent unnecessary litigation and competition. It gave him much satisfaction to hear that the noble Lord the Chairman of Committees had consented to act on the Committee. But he should be most unwilling to assent to the appointment of a joint Committee, unless it was distinctly understood that the inquiry being an exceptional one, the appointment of a joint Committee should be considered as an exceptional course, and should not be drawn into a precedent in reference to the course of dealing with ordinary railway Bills. They were now practically entering into a new era of railway legislation, and the appointment of this committee would, at all events, have the effect of preventing the construction of useless or improper works, and putting a stop to unfair or unnecessary competition. But the greatest caution would be necessary in dealing with the double machinery at present in use for sifting the merits of private Bills. He was far from saying that the present system of railway legislation was satisfactory; and, though his own experience was limited, he defied any noble Lord who had served upon railway committees to say he had risen from this task with any feeling of satisfaction. At the same time, it was not so easy to suggest a remedy, and their Lordships should be cautious in adopting any course which might commit them to a policy of joint Committees. This House had always been jealous of any unnecessary or arbitrary interference with private rights; and in dispensing with any of the existing machinery by which their Lordships exercised control over companies of enormous power, backed by enormous capital, there must be great care that private interests should not hereafter be seriously compromised.

THE EARL OF DERBY wished to ask a question in regard to the working of the Committee. Was it intended that those railway schemes should be represented by separate counsel before the Committee? Or did they propose to pass judgment upon their merits without according to railway companies the right of being heard by learned counsel? If it were intended to allow those companies to be represented by counsel, they would be imposing upon the Committee the necessity of hearing lengthened arguments and speeches previously to their coming to a decision upon the several schemes. At the same time it might be considered rather unfair to the promoters of those railway projects, if they were to refuse hearing any representation on their behalf.

EARL GRANVILLE said, he could not of course answer as to what course the Committee would be likely to take in regard to hearing counsel upon the merits of the respective railways proposed. Last year, however, the Committee practically avoided going into the merits of particular schemes. They confined themselves to a consideration of what they believed to be consistent with general legislation upon railway communication.

Motion *agreed to.*

Then it was *moved,*

That such Select Committee should consist of Five Lords, Three to be a Quorum, *agreed to.* The Lords following were named of the Committee:—Ld. PRESIDENT, E. ROMNEY, V. EVERSLEY, L. REDESDALE, L. STANLEY of ALDERLEY. That a Message was Ordered to be sent to the House of Commons, in answer to their Message of Tuesday last, to inform them of the Appointment of the said Select Committee by this House, and to propose to the House of Commons that the joint Committee do meet in the Painted Chamber on *Monday* next, at Half past Three o'Clock.

House adjourned at a quarter before Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 11, 1864.

MINUTES.]—NEW MEMBER SWORN—John Reginald Yorke, esquire, *for* Tewkesbury.

SELECT COMMITTEE—On Standing Orders *nominated**; Committee of Selection *nominated.**

SUPPLY—*Resolution* [Feb. 9] *reported*—"That a Supply be granted to Her Majesty."

PUBLIC BILLS—*Resolution in Committee*—Bank Acts (Scotland).

Ordered—County Courts (Ireland).

First Reading— Government Annuities [Bill 11].

Second Reading—Sir John Lawrence's Salary * [Bill 10].

STANDING ORDERS.—COMMITTEE.

Select Committee on Standing Orders *nominated :* — Colonel WILSON PATTEN, Mr. WALPOLE, Mr. HENLEY, Mr. WRIGHTSON, Mr. HERBERT, Mr. BRAMSTON, Mr. BONHAM-CARTER, Mr. LEFROY, Mr. DUNLOP, Mr. PULLER, and Mr. EDWARD EGERTON.

COMMITTEE OF SELECTION.

Committee of Selection *nominated :*— Mr. DUNLOP, Mr. HERBERT, Mr. BONHAM-CARTER, Lord HOTHAM, Mr. MOWBRAY, and the Chairman of the Select Committee on Standing Orders.

UNION ASSESSMENT ACT.—QUESTION.

MR. HOLLAND said, he would beg to ask, Whether there is any intention of amending the Union Assessment Act of 1862, so as to enable Assessment Committees to become Respondents in cases of Appeal at Petty Sessions against their valuations?

MR. VILLIERS, in reply, said, that he was unable to give his hon. Friend at that moment a precise answer to the question he had put. It was a very important question, and one which had an important bearing on the Act, and excited great interest among those persons who had, with so much advantage to the country, devoted their time and labour in discharging the duties imposed upon them by the Act as Assessment Committees. The subject, therefore, deserved every attention. It was only lately that many representations on the subject had reached the Poor Law Board, and it was then receiving its attentive consideration, with a view, if possible, of arriving at a just decision. He was bound, however, to tell his hon. Friend that, in the communications received, it was apparent that great difference of opinion existed on the matter among persons of competent authority, and especially as to the manner of meeting the object of his his hon. Friend, which he conceived to be that, when Appeals were lodged against the decisions of the Assessment Committees, adequate provisions should be made for those Appeals being properly heard and disposed of. It was alleged that the power of Appeal was given, but no provision was made for the appearance of Respondents. Full information, however, would shortly be in the hands of Members as to the general operation of this Act, as the Returns ordered by the House at the close of last Session were then complete and would be presented; and if any Amendment of the Act appeared to be needed, there would be ample time in the course of this Session to introduce a Bill for the purpose.

THE IRISH CHURCH.

QUESTION.

MR. DILLWYN said, he wished to ask the Chief Secretary for Ireland, When a Return relative to the dioceses of Cashel, Emley, Waterford, and Lismore, ordered on the 5th of May last, will be presented to the House?

SIR ROBERT PEEL replied, that he very much regretted that so long a delay in the production of the Returns should have taken place. If, however, his hon. Friend would again move for them, he would take care that they should shortly be laid on the table. He had just received a telegram from Ireland stating that they were nearly ready.

SIR FREDERICK HEYGATE said, he also would beg to ask the Chief Secretary for Ireland, When the Return ordered on the 5th of May last, relating to the number of Benefices of the Established Church in Ireland, to their emolument, to the number of licensed Ministers of the Church of Ireland, and to the total amount of the "Tax to the Ecclesiastical Commissioners of Ireland," will be laid upon the table of the House?

SIR ROBERT PEEL said, the Returns were ready, and, if the hon. Gentleman would be kind enough to move for them, they would be presented at once.

INDIA—THE HILL TRIBES.

QUESTION.

MR. SMOLLETT said, he would beg to ask the Secretary of State for India, Whether full information has been afforded by the Government of India in reference to the Military Operations recently carried on against the Hill Tribes on the Punjaub Frontier, and explanations given of the objects sought to be gained by the force in that quarter placed under the command of Sir Neville Chamberlain; also whether the war was commenced with the authority and approval of Her Majesty's Government; if so, whether Peace has been restored upon a satisfactory basis, or whether further measures of coercion are contemplated at a more seasonable opportunity?

Sir CHARLES WOOD, in reply, said, he observed on the paper that day a notice for the production of papers on the subject, and he should have no objection to have those papers laid on the table. He quite concurred with his hon. Friend in thinking the subject of the utmost importance, and he might perhaps be allowed to make a brief statement with respect to it. Those who were acquainted with India were doubtless aware, that several years ago a Mahomedan adventurer named Syud Ahmed, who claimed to be a descendant of the Prophet, raised an insurrection against Runjeet Singh, and that after some severe fighting he was killed and his followers dispersed. Those who remained took refuge in the hill districts among the Eusufzaie tribes, and became a source of perpetual trouble not only to Runjeet Singh but to the English Government. They established themselves in a place called Sittana, across the Indus, whence they made expeditions into our territory, and continued to rob, plunder, and burn villages, and to be a source of the greatest trouble to us for many years. These Sittana fanatics were reinforced at the time of the mutiny by deserters from the Sepoy regiments. In 1858 it was found necessary to destroy their stronghold, and an expedition for the purpose was sent under Major General Sir Sydney Cotton. They were expelled from the place, and the tribes among whom they had located themselves entered into an engagement not to permit them to resettle there. That engagement had been for a certain time respected, but in 1861 their inroads recommenced, and we remonstrated with the tribes against permitting these people to renew their incursions on our territory; but our remonstrances failed, the tribes stating that they had no power to prevent the fanatics passing through their territory. In 1862 the Governor of the Punjaub applied to the Indian Government to send an expedition to prevent them from plundering our possessions. The Government of India declined, in 1862, to sanction any expedition; but as the Lieut.-Governor of the Punjaub represented strongly, in 1863, that the attacks on our territory were continued, an expedition against the fanatics was sanctioned and undertaken last autumn. In order to reach their new stronghold at Mulkah, it was thought advisable to proceed by the Umbeylah Pass, which leads into a district not belonging to, but close to the territory of a powerful tribe, called the Bonairs, who were not unfriendly to the British, but believed that from our troops coming so near their district, it was intended to attack them. No assurance on our part could convince them that this was not the case, and they consequently attacked our forces. They were joined by the fanatics and by several of their Mahometan neighbours, and a series of well-sustained attacks were made for some weeks on the British position. Major James, Commissioner at Peshawur, who had been absent on leave in this country, arrived there at the time, and entered into communication with the Bonairs, in order to assure them that we had no intention of attacking them. They were however overpersuaded by the other tribes. General Lawrence was therefore obliged to attack their positions, and carried them most successfully, inflicting severe loss on the tribes. On this, the Bonairs came in, and sent a body of men to destroy Mulhah, and, finding it deserted, destroyed it in the presence of our officers. The whole affair, therefore, in reality arose out of an attack made by those tribes under a misapprehension as to the intentions of our proceedings. All hostilities had now ceased; the troops had returned to their quarters; and he trusted no further operations of any kind would be found to be necessary. The gallantry of our troops and the skill of our officers, he might add, had been displayed to great advantage throughout these transactions.

CASE OF MR. BEWICKE.

QUESTION.

Mr. H. BERKELEY said, he would beg to ask the Secretary of State for the Home Department, Whether it be his intention to continue to refuse compensation to William Bewicke, of Threepwood Hall, in the county of Northumberland, for suffering imprisonment as a felon for twelve months, under an undeserved sentence, and for the confiscation of his goods, chattels, family pictures, and library, to his great pecuniary loss and irreparable injury?

Sir GEORGE GREY said, in reply, that he had never received any application from Mr. Bewicke for any compensation claimed by him under the circumstances alluded to in the question of the hon. Member. He had neither the power to grant nor to refuse such compensation. A Petition from Mr. Bewicke was presented last year to the House, asking for redress, which, of course, meant compensation, and his hon. Friend had founded a Motion upon it. On that occasion he stated, as he felt now, that it would be extremely inexpedient for the House, on a mere statement of a particular case and by a Resolution framed to meet it and perhaps hastily adopted, to do what would involve an important alteration in the law applicable to that class of cases. He was free to admit that the law with reference to the forfeiture of property on a conviction for felony was well worthy of consideration and revision.

COURT MARTIAL ON COLONEL CRAWLEY.—QUESTION.

COLONEL GILPIN said, he wished to ask the Under Secretary of State for War, Whether, considering the peculiar circumstances attending the trial of Colonel Crawley and the failure of the evidence against him, it is the intention of the War Department to recommend that his expenses should be paid ?

THE MARQUESS OF HARTINGTON said, in reply, that at the conclusion of all courts martial, it became necessary to consider whether the expenses of the prisoner should be paid by the public or not. In this instance such consideration took place, and the Government, accepting and adopting the verdict of the court martial, decided that all such expenses incurred by Colonel Crawley as were ever paid should in this instance be defrayed by the country. Col. Crawley's passage from India and back had been paid, he had been in receipt of Indian pay and allowances during the whole time that he was in this country, and quarters had been provided for him at Aldershot. The expenses of all witnesses whom he desired to bring over from India had been paid ; and in fact no greater expense had fallen upon him than he would have been subject to if his regiment had been in this country instead of India. Everything which in such cases had ever been paid for anybody had been paid for Colonel Crawley. The only expenses which had not been repaid to him were those connected with legal advice. No application had been made by Colonel Crawley for the payment of these expenses, nor could the Government accede to such an application if it was made. The position and *status* of legal gentlemen were not recognized at courts martial, and the Government would have no means of checking their charges.

GREENWICH HOSPITAL.—QUESTION.

SIR JOHN HAY said, he would beg to ask the Secretary to the Admiralty, If he will lay upon the table of the House a Copy of a Report to his Grace the Duke of Somerset, by Sir Richard Bromley, on the organization and working of Greenwich Hospital ?

LORD CLARENCE PAGET said, in reply, that Sir Richard Bromley had presented to the Duke of Somerset an elaborate Report upon the finance and also upon the constitution of Greenwich Hospital, and his Grace had thought it right to refer that Report to the other Commissioners for their remarks. When those remarks had been received the Admiralty would take the subject into consideration, and he should then be prepared to state to the House what course the Government intended to pursue with regard to Greenwich Hospital.

DENMARK AND GERMANY.—INTEGRITY OF DANISH MONARCHY.

QUESTION.

SIR HARRY VERNEY said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Papers on the subject of Denmark and the duchies of Schleswig and Holstein which are to be laid upon the table will contain the Report of Vice Consul Rainalt referred to by Earl Russell in his Despatch to Mr. Paget in June, 1861 ; also, the Memorandum on the Affairs of Schleswig and Holstein drawn up in 1855 or 1856 by Mr. Ward, Her Majesty's Chargé d'Affaires in Hamburg ; and also the terms in which the Guarantee of the British Government was offered to Austria and Prussia, that the Danish Rigsraad would repeal the Constitution of last November, which incorporated Schleswig with the Kingdom of Denmark ?

MR. LAYARD, in reply, said, the Reports of Mr. Vice Consul Rainalt and the Memorandum of Mr. Ward were strictly confidential documents, and it was inadvisable in the present state of things, and it would lead to no good result, to make them public. The hon. Gentleman was under a mistake in supposing that any guarantee had been given by the British Government that the Rigsraad should repeal the constitution. It must rest with the Rigsraad when it was convoked to decide whether it would or would not do so. The hon. Gentleman probably referred to the

Protocol that had been laid upon the table with the other papers.

Sir HARRY VERNEY said, he wished to ask, Whether Her Majesty's Government have not given a guarantee that the Danish Rigsraad would repeal the constitution incorporating Schleswig with the Kingdom of Denmark.

Mr. LAYARD said, he had stated that Her Majesty's Government could not have guaranteed that the Rigsraad, which was a constitutional assembly, should revoke the constitution. It remained for the Rigsrad to decide what course they would take. What Her Majesty's Government proposed was, that a Protocol should be signed in London between the Powers parties to the Treaty, by which the Danish Government would undertake to call together the Rigsraad, and submit to them proposals for withdrawing the constitution. Her Majesty's Government could not of course pledge themselves that the Rigsraad would repeal the constitution when it met.

BANK ACTS (SCOTLAND).

Considered in Committee.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER in moving a Resolution,

> "That it is expedient to make provision for replacing the lapsed issue of bank-notes in Scotland upon payment from time to time of a certain charge in respect thereof,"

said, it would be obvious to the Committee that the proposal which he was about to make was a very small one, and touched only a very limited portion of an important subject. It involved no general discussion either of the principles of currency, of the provisions of the Act of 1844, which formed the basis of our system, or of those of the Act of 1845, which applied those principles in a modified form to Scotland. Its object was to make an arrangement of a subsidiary and provisional character, which had no claim to the attention or favourable consideration of Parliament, other than that it would be useful and convenient as far as it went. It asserted no principle of a novel character, but was only an assertion of that principle which was clearly established by the Act of 1844, that lapsed issues of bank-notes—that was to say, bank-notes issued by private issuers who in course of time had from circumstances lost their right to issue them—should only be replaced by other issues put forth for the profit of the State; in fact, that lapsed issues were the property of the State. Everything else the Bill left precisely as it was. There were some hon. Gentlemen who were at all times ready for a discussion on the currency: the passing of this Bill would neither accelerate nor postpone that discussion. He was informed that a desire was entertained in Scotland for a general inquiry into the Banking system:—he did not know how far that desire extended, but if Parliament should think proper to sanction such inquiry there was nothing in the present measure in any degree prejudicing such an investigation. The circumstances were these:—when Sir Robert Peel's Bank Act of 1845 was passed, he embodied in that Act certain provisions under which the banks issuing notes in Scotland were to state to the Revenue Department their claim to do so; and the Commissioners of Inland Revenue having ascertained from the bankers' returns what was the average amount of notes they had issued within a certain period, that Act became the standard for fixing their rights as to the issue of bank-notes and also of the amount of the authorised issue for Scotland. The amount of the authorised issue was something above £3,000,000. During a monetary crisis in 1857 one of the Scotch banks entitled to issue about £337,000 of that amount unfortunately failed. The issues thus lapsed could only be replaced by the issue of notes representing a corresponding quantity of coin in the tills of the existing banks. The Bank Act of 1844 contained provisions, so far as England was concerned, for replacing under certain conditions a given proportion of lapsed issues of private banks, and those provisions had been acted upon in two instances—but there were no corresponding powers embodied in the Scotch Act. Sir Robert Peel, in introducing the Act of 1845, explained why no such provisions had been introduced in relation to Scotland; and, in reference to a contingency of the very nature which had since arisen, suggested a remedy substantially the same as that which was now being submitted to the House. Sir Robert Peel said:—

> "I may very fairly be asked the question, Suppose, from any similar circumstance, a void should occur in the circulation of Scotland, how would you supply it? It may be said, Suppose a bank should fail, and, in consequence, £200,000 be withdrawn from the circulation, you will have restricted the circulation for Scotland to that extent; or you will impose on it the necessity of getting an additional supply of gold."—[3 *Hansard*, lxxix. 1343.]

Sir Robert Peel referred to another point with which it was not necessary to trouble the House—namely, that private issues in England, unlike those in Scotland, were not allowed to amalgamate, or to become joint-stock banks, and went on to say:—

> "Permitting the issues of the united banks to be equal to the issue of the two banks, if separate, I think you will take ample security against such a possible diminution of the circulation as I have adverted to. If any sensible diminution were to occur—if the total circulation of Scotland were suddenly to fall below the £3,000,000 to such an amount as to require the intervention of Parliament, there would then be no objection on the part of the Government to devise, or of Parliament to adopt, some other remedy. I believe, however, that for such a remedy there will be no necessity, for I think the permission we propose to give to unite and incorporate two banks will meet the difficulty."—[*Ibid.* 1344.]

A difficulty such as was foreseen by Sir Robert Peel had actually arisen, and the remedy the Government proposed was supplied in this Bill;—it was the same remedy substantially which was already applied to England. There were lapsed issues to the extent of £337,000, and the Government proposed to authorize the banks which were now the issuers in Scotland to issue notes to that amount on payment to the State of £2 7*s.* 6*d.* per cent on the amount of those lapsed issues, relieving the banks, however, from the composition of 8*s.* 4*d.* per cent, which they were now liable to pay in respect of stamp duty. The consequence of this arrangement would be, that for those lapsed issues the Scotch banks would come under a new burden of nearly 2 per cent, to be received by the State, in addition to its present receipts, under the head of composition for stamp duty. It was proposed to divide these issues among the existing banks of Scotland, adopting as the standard of distribution the respective proportions in which during the last twelve months the several banks of Scotland had held coin against their bank-note circulation. Now, what was the state of the gold reserve in Scotland? When the Act of 1845 was passed, it was considered a matter of public policy to make some provision for the accumulation of a metallic reserve in Scotland, a certain proportion of which was allowed to be in silver, there having been no provision whatever for such a reserve either in respect of notes or of deposits before that period. For the four weeks ending the 3rd of January, 1846, there was in the possession of the several Scotch banks a metallic reserve of £997,000 in gold; and in silver £183,000, making a total of £1,180,000. By the last return it appeared that for the four weeks ending the 9th of January, 1864, the returns of gold were £2,048,000, and of silver £302,000, making together £2,350,000. So that the metallic reserve of Scotland had almost doubled in the interval between those two periods. This large metallic reserve was, of course, a very heavy burden upon the Scotch banks, and it was very desirable that relief should be extended to them if it could be done to the general benefit and advantage of the State. Their metallic reserve was, as he had shown, £2,350,000, and their total circulation being only about £5,000,000; that was a larger metallic reserve in proportion than was required by banking establishments in England. At the same time, the diminution he proposed did not extend beyond the £337,000, and therefore the provision for metallic reserve in Scotland would be ample for all purposes of safety. He had spoken of the effect of this Bill as diminishing the metallic reserve to the extent of the issue authorized under the proposed Bill. Still, that would not be its direct effect. There was in the Bill nothing that required the diminution of the reserve. Still, it would be cheaper for the Scotch banks to issue Bank Notes at a percentage of £2 7s. 6d. to the Government, than upon the condition of keeping an equal amount of gold and silver in their coffers. The effect of the Bill would be to release a sum of £387,000 now locked up, and to make it available for the general purposes of the country and the world. There was a Bill, not yet before the House, but deposited at the Board of Trade, which was brought in by "the London Banking Company of Scotland," and the objects of which were twofold. The Bill sought to obtain a power of issue in Scotland as against coin similar to that which the present issuers of Scotland enjoyed over and above those authorized issues with respect to which they were not obliged to hold coin. The second object of the Bill was to lay hold of, so to speak, of the £337,000 of lapsed issues, and to grant to this particular company, the right of issuing notes to that extent. It was a very serious question whether any of the provisions of the Acts of 1844-5 ought to be touched by a private Bill. He was not prepared to give an opinion one way or another in regard to that Bill, except to say that it was not possible to recognize the principle that a lapsed private issue should be taken up by a private body of persons, who could plead no traditions or vested rights. Nor did he think they would be able to show that the profit of this lapsed issue ought to belong to them rather than to the other members of the community. It would be the duty of the Government to object to that claim. He believed that the measure he now proposed would be acceptable to the banks, and to the public of Scotland. The measure simply applied to Scotland the principle already adopted in England—that the issue of paper notes was the property of the State, and that any lapsed issue was to be replaced only on condition that the profit should belong to the State.

Moved to resolve—

"That it is expedient to make provision for replacing the lapsed issue of Bank Notes in Scotland, upon payment, from time to time, of a certain charge in respect thereof."

MR. FINLAY said, he could not agree with the Chancellor of the Exchequer that his proposal was likely to be acceptable to the people of Scotland. It seemed to him that it would only sanction and perpetuate the existing monopoly of the Scotch banks, which was very injurious to the public. This was a matter deeply affecting the people of Scotland, and he trusted that sufficient time would be given to enable them to judge of the scope and effect of the measure, and that the second reading would not be taken until a distant day. The people of Scotland viewed with great jealousy all interference with their banking system. Ever since Sir Robert Peel's legislation in 1845 they had lost the confidence in the banks which formerly existed, so that the Scotch banks no longer kept pace with those of other countries. He objected to piecemeal legislation on this subject, and thought it would be far better to deal with the subject by a general measure. He would suggest that the Bill should be referred to a Select Committee.

MR. KINNAIRD wished to know, whether the Act would apply to all existing banks of issue?

THE CHANCELLOR OF THE EXCHEQUER said, that all the existing issuing banks of Scotland would enjoy the privilege on the payment of £2 7*s*. 6*d*. per cent per annum. In reply to the hon. Member for Argyllshire (Mr. Finlay), he did not think the effect would be so large as the hon. Gentleman supposed. It would have no direct effect on the people of Scotland at large. The amount of circulation would be the same after the passing of the measure as before; the only difference would be, that the sum of £337,000 would cease to be represented in its present costly manner. He proposed to take the second reading in ten days, and to allow a further interval before the committal.

MR. CAIRD asked, Whether, in consideration of this payment of £2 7*s*. 6*d*. per cent, there would be involved any guarantee by the Government?

The CHANCELLOR OF THE EXCHEQUER said, the note circulation in Scotland was so adequately secured that it would bear the limited change now proposed. The question of a public guarantee for the note circulation in Scotland was of a very extended nature, on which it would be impossible to enter except at a period when the House was engaged on the general subject of issue in Scotland.

SIR FRANCIS CROSSLEY said, that he quite approved of the proposition before the Committee. It was sound in principle that the State, and not private firms or companies, should have the advantage of the interest of the circulating medium, which would go in reduction of the taxation of the country. When the Bank rate of discount became high, he suggested to the right hon. Gentleman the desirableness of allowing one pound notes to circulate in England. One pound notes had been of great service to Scotland, and he believed that if such notes were introduced into England the commercial classes would be greatly relieved thereby.

THE CHANCELLOR OF THE EXCHEQUER was afraid that he could not engraft into this measure such a proposition as that made by the hon. Baronet. That was a very large question, and he was afraid it would occupy more time than the House would be disposed to give to it at the present moment.

MR. HUBBARD understood the right hon. Gentleman to say that the circulation of the Scotch banks was adequately secured: he (Mr. Hubbard) never heard that the circulation in Scotland was secured at all, except so far as it was provided for by the large property engaged in the banking business of that country. He would take a currency to be adequately secured when based on a similar foundation to that of the Bank of England. There was no such security in Scotland. Of course, the banks in Scotland were popular; but so were all banks till they failed; and we had known Scotch banks fail ere now—in fact, the very cause of the present Motion was the failure of a Scotch bank with a note circulation of £337,000. He would like to know in what way the right hon. Gentleman conceived the circulation in Scotland adequately secured.

MR. DALGLISH said, two of the Scotch banks had failed; but the best proof that the Scotch banks were secure was the fact, that every farthing owed by those banks had been paid.

MR. CRUM-EWING said, there never was a bank in Scotland which did not pay in full.

THE CHANCELLOR OF THE EXCHEQUER said, he had no intention of stating that the circulation in Scotland rested upon the precise basis which he should desire, if the matter had been *res integra,* and they had had an open field to adjust everything. He had spoken merely with reference to the practical working of the system since the Act of 1845, and he believed the people of Scotland were satisfied with it.

Motion *agreed to.*

Resolved,

"That it is expedient to make provision for replacing the lapsed issue of Bank Notes in Scotland upon payment from time to time of a certain charge in respect thereof."

House *resumed.*

Resolution to be reported *To-morrow.*

SUPPLY.

Resolution, "That a Supply be granted to Her Majesty," *reported.*

TAXATION AND EXPENDITURE.

SIR HENRY WILLOUGHBY rose to call the attention of the House to the amount of taxation levied for and expended in Supply during the years 1860, 1861, 1862, 1863, and 1864. He said, this was a question well worth the careful consideration of the House, and he took that opportunity of making a few observations upon it, because what he had to say referred to Supply in general, and not to any particular Supply. He believed the amount of taxation and expenditure during the last five years, including the present financial year, up to the 31st of March next, would be found to be wholly unprecedented in the history of this country. Within the last five years the amount of taxes levied upon the taxpayers of this country was nearly £350,000,000. Bearing in mind that that House was the guardian of the public purse, it might be worth while to ask why it was thought necessary to impose on the taxpayers of this kingdom such an enormous amount of taxation. The amount was almost unprecedented. Except hon. Gentlemen recurred to the period when this country was engaged in the French war, the most expensive war she ever had in hand, during the years 1813, 1814, 1815, and the two succeeding years, 1816 and 1817, they would not find that so large a sum as £350,000,000 had been ever raised, in five years, independent of loans, out of the pockets of the taxpayers of this country. There must be some reason for a taxation and expenditure so large. Some £70,000,000 a year were levied in a time of profound peace. There had been alarms of war, but there had been no actual warfare worth speaking of. And if that was done in time of peace, where was there any margin left for a state of war? This taxation was entirely independent of local taxation—a taxation too large to be forgotten, for it amounted to some £20,000,000 a year. No doubt our neighbours the French were apparently nearly as heavily taxed as we; but it must be remembered that the French mixed up the local with the public taxation, and if their Secretary for the Home Department were to bring in a separate budget for local taxation, it would show a sum of about £14,000,000, while in this country the local taxation was upwards of £20,000,000. It would appear, indeed, that the chief object of an Englishman was to pay taxes. It must be borne in mind that in the question which he was calling attention to he was dealing solely with public taxation and expenditure. He should prove in a few words that our expenditure during the last five years was unprecedented, or nearly so. The expenditure from 1830 to 1854 did not exceed an average of £54,000,000—it was rather under it. It was true that at that time it did not include the expense of the collection of the revenue; but making allowance for that, it would be found that during those twenty-five years our expenditure was some £13,000,000 a year less than during the last five years, and how were we to account for that enormous difference? But the question of increase became more striking by taking the last twenty years. Dividing the twenty years from 1842 to 1862 into four periods of five years each, the gradual rise and progress of the taxation and expenditure of the country would be at once seen. In the first epoch, from 1842 to

1846, the annual average expenditure was £50,250,000, so that the total expenditure in that period amounted to about £251,000,000. In the next epoch, from 1847 to 1851, there was a slight increase, the annual taxation expenditure being £51,750,000, and the total during the epoch about £258,000,000. Then came the Crimean war in the next period of five years, when, no doubt, there was a great rise in the expenditure, and during that epoch the expenditure and taxation of the country rose to an average of £66,750,000, or about £330,000,000 and odd for the whole epoch. During the last epoch to which he referred there was no war, though perhaps one year might have been influenced by the expenditure for the Crimean war, and in that epoch the expenditure and taxation rose to the enormous average of £69,750,000. The House, then, ought to consider the important question, whether there was any necessity for this extraordinary increase within the last twenty years; and whether it could be maintained with justice to those whom the House represented? He would not attempt, on the present occasion, to enter into the causes of this extraordinary expenditure; but if it were said that, as in the case of the French war, it took the country fifteen years after its termination to come down to a reasonable expenditure, so it might be impossible for the House or the Government to come suddenly down from the expenditure of the Crimean war, he would observe that not only had the Government not reduced the expenditure of the period of war, but there had been an actual increase since. He believed that it would require all the vigilance of that House to check this tendency to increased expenditure, and that the Government, with all its good wishes, was unequal to the task. The Government had advanced into the enormous expenditure of maintaining manufacturing establishments, all of which must necessarily be carried on at a great cost, and, he did not hesitate to say, at a great loss. He believed that a system of contracts with checks to prevent trickery would be one cause of economy, and might of itself effect a great deal. He felt so strongly with respect to the enormous amount of taxation and expenditure which he had adverted to, that he determined to take the first fair opportunity to bring it under the notice of the House. Knowing the extreme value of the privileges belonging to that House as the guardian of the public purse, and seeing how lamely the representatives of the people in such an assembly as that of Prussia got on from want of their powers being distinctly marked out, he thought that the Members of the House of Commons should show to the country that they did not neglect their duty of watching the expenditure.

The CHANCELLOR OF THE EXCHEQUER said, he did not know that it was incumbent on him to enter on the present occasion at any great length into the very important subject which the right hon. Baronet had so ably brought under the notice of the House. He had listened to the hon. Baronet with great satisfaction, for he thought that nothing was so desirable as that the representatives of the people should call the attention of the Ministers and of Parliament to the expenditure of the State, with a view to restraining it; and if, by the influence and authority and example of the hon. Baronet, the expenditure could be brought back to that of past years, he should rejoice indeed; but in his (the Chancellor of the Exchequer's) office, it would be vain for him to attempt to deal with general assurances. It should be borne in mind that with respect to some branches of the public service, the increased wealth of the country made it necessary that increased expenditure should be incurred. With regard to the wages of labour, whether physical or intellectual, it could not be expected or desired that that portion of the public expenditure should be limited to the point at which it formerly stood. No doubt, there was a general tendency to bettering the condition of all the persons engaged in the service of the State. In some instances it was allowed to go too far, for so great was the pressure for increased emolument and remuneration for public service, that it was found difficult to keep within bounds. He was sure that the hon. Baronet would vigilantly direct his attention to this subject, and he hoped that the hon. Baronet's example would induce other Members to walk in the same line. But it must not be expected that the expenditure could be kept at the point at which it stood twenty or thirty years ago—or, he should rather say, to bring it back to that point—and that was on account of the estimate which the community was inclined to form of its own wants. The hon. Baronet spoke of the control of the Treasury as being less efficient than formerly. That was true to a certain extent, and was owing to the enormous increase in the volume and mass of the civil expenditure, and not to the want of effort on the part of the political and permanent officers of the Treasury, to keep down the public expenditure. The task of exercising control had become one of increasing weight and difficulty. He did not complain of any one on this account, but he pointed it out as the result of the state of things. The development of the civil service was sometimes extravagant; but in many cases it took place for most valuable and important purposes, and he knew not any way in which an undue increase could be prevented, except by the Government obtaining a more firm and uniform support from the representatives of the people on occasions when the Government thought it their duty to resist addition to the public expenditure. When it was considered that the Civil Estimates voted by that House, without including the Estimates for the collection of the Revenue, had grown in thirty years from less than £2,000,000 to about £8,000,000, notwithstanding the great economy effected in many branches of the public service, it was obvious that that circumstance indicated a different state of things as to the increased duties which the Treasury had to perform, and as to the necessity of the Government receiving support from the House when they thought it right to resist additional expenditure. He did not now wish to enter further into the matter, for when it should be his duty to submit to the House the annual statement of Revenue and Expenditure, then would be the time for any more general discussion on the point, and on the manner in which the Government had endeavoured to maintain the application of principles of economy in restricting expenditure.

MR. NEWDEGATE said, he thought the House was deeply indebted to his hon. Friend for having brought the subject to their consideration. He had listened attentively to the remarks of the Chancellor of the Exchequer, who, he believed, fully coincided with his hon. Friend in a desire to limit the expenditure within reasonable bounds. He could not forget, when the right hon. Gentleman told the representatives of the people that it rested with them to limit the expenditure, that an officer in a high position, and with many years' experience, who remembered the more economical times of our expenditure, had constantly represented that the functions of his office had, by lapse of time and change of circumstances, and the alterations made by legislation, ceased to have that control over the expenditure which it formerly possessed. Lord Monteagle, the Comptroller of the Exchequer, had over and over again represented to Parliament, that if the functions of his office were so improved and adapted to the present time as to enable him effectually to check the expenditure, and comment upon that which might appear in excess, the House of Commons, as the guardian of the public purse, would have in such an officer an adviser free from the trammels of party, not subject to the effects of public excitement, not liable to the pressure of private applications, because not connected with the appointments which caused the expenditure, which it would be his duty to supervise. He hoped the House would forgive him for having recalled their attention to the repeated warnings which had been given by an officer of high character, of high standing, and of long experience, that the present organisation, which was intended to control the expenditure of the country, had become defective in as much as that an office, which once afforded an independent check, by affording independent information, had ceased to be effectual for the public service.

Resolution *agreed to, Nemine Contradicente.*

GOVERNMENT ANNUITIES BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER, in moving for leave to bring in a Bill relating to the purchase of Government Annuities through the medium of savings banks, said it was a measure for the purpose of improving machinery already established by law. It had been thought of late very useful that the Government, without any interference with private establishments, or any attempt to take their proper business, should nevertheless do all it could to offer facilities for the increase and extension of frugal habits among the industrious classes. Upon that principle the Post Office savings banks were founded, being no more than a new attempt, under the altered circumstances of the community and the improved machinery at command, to apply the same principle which had already been applied with great benefit under the old Savings Bank system. But besides providing for the receipt and custody of savings, they had long possessed a machinery for the grant by the Government of small life assurances and small deferred life annuities. The purpose of this Bill was to afford improvements to that machinery. With regard to deferred annuities, it was very material that the class of persons likely to purchase them should have the opportunity of making a deposit of the premiums on them in as small sums as the Government could afford to receive. If only large payments at one time were received there was a considerable impediment to the purchase. On the other hand, the arrangements now were such, by the medium of the Post Office savings banks, that the Government could economically receive smaller amounts than they had hitherto received. He proposed by this Bill to give power to the Treasury to fix the amounts. He proposed also to remove from the existing law a restriction which was found inconvenient, and which was obviously unreasonable in itself. The Government were at present empowered to grant small life assurances up to the limit of £100, that being about the point at which, speaking generally, the ordinary private system of life assurance commenced. There were some life assurance offices which did an amount of business below £100; but, speaking generally and roughly, from £100 upwards life assurance by the public offices began to operate. The Government had power to grant life assurances up to £100; but that power was limited by the requirement that the same person who made the life assurance should likewise purchase a deferred annuity. The man who wanted a life assurance was generally a man who did not want a deferred annuity, and *vice versâ*. They were generally people of a different class. The object of the purchaser of a deferred annuity was to provide for old age, whereas that of the life assurer was to provide for those who came after him. The combination of the two was very inconvenient, and he proposed by this Bill to remove that restriction from the statute book.

Moved,—"That leave be given to bring in a Bill to amend the law relating to the purchase of Government Annuities through the medium of saving banks."

Sir HENRY WILLOUGHBY said, he did not anticipate that any objection would be made to the measure; but he thought it desirable that ample time should be given to the Savings Banks to study the Bill, and to make any suggestion they thought necessary.

Mr. HUBBARD inquired whether the rate of interest at which the deferred annuities would be granted would be identical with that of the Post Office savings banks; or whether it would, as at present, depend upon the state of the funds?

The CHANCELLOR of the EXCHEQUER said, that the interest would remain exactly as it was at present; it would have no connection whatever between it and the rate allowed on deposits in the Post Office savings banks.

Motion *agreed to*.

Bill to amend the Law relating to the purchase of Government Annuities through the medium of Savings Banks, *ordered* to be brought in by Mr. Chancellor of the Exchequer and Mr. Peel.

Bill *presented*, and read 1°. [Bill 11.]

COUNTY COURTS (IRELAND) BILL.

LEAVE.

Mr. O'HAGAN (The Attorney General for Ireland) in moving for leave to bring in a Bill "to amend the procedure of the County Courts in Ireland" said, he desired to remind the House that these courts had existed in Ireland antecedent to similar courts being established in this country, and might be taken to have afforded a precedent for the English system. At first their jurisdiction was limited to £10, but had since been extended to £40: there was also a testamentary jurisdiction, and their power extended to actions of ejectment in cases where the value of the property did not exceed £100 a year. He believed he might fairly say that the manner in which the business was conducted was, on the whole, satisfactory: they were, he believed, as a general rule, very efficient and very popular tribunals. But there was one portion of their procedure which was the subject of almost universal condemnation in Ireland, and for the reform of which this measure was intended—that was the mode of execution of the process of the Courts, which operated mainly among the humbler classes, and in whose case it was extremely important, not only that the process should be efficient, but that it should be conducted by means of a machinery to which due responsibility should attach. At present the execution of process in the County Courts in Ireland was as badly carried out as it could possibly be. By the 14 & 15 *Vict.* it was directed, that a decree of these Courts should be executed by the sheriff, or by a special bailiff nominated by the plaintiff in a suit; but the practical result was that the sheriff never executed a decree—indeed, it was impossible that they should do so; because, whereas in England the jurisdiction of each county court was specifically confined to the county in which it was situated, in Ireland the jurisdiction often extended over large districts embracing parts of several counties, and often in the course of a single year as many as 100,000 might be issued;—the result consequently was that the execution of process was committed to the hands of a bailiff appointed by the plaintiff in the cause at his own peril only. Thus it came to pass that while in the superior Courts the sheriff was responsible in those instances both to the plaintiff and the defendant for any mischance that might arise, the person generally appointed to execute process by the plaintiff in the County Court was some one of rather low character, to whose performance of the duty cast upon him great extortion, great oppression, and great public mischief were incident. Indeed, he had heard of cases in which the execution of a decree for a sum of £20 had, in such hands, cost the plaintiff £3, £4, or even £5; while, in addition, frequent assaults and rescues were the consequence of committing execution to ignorant and worthless persons, who were apt to display great recklessness and violence of conduct. To remedy that state of things was the object with which he proposed to ask the House for leave to introduce a Bill that evening. It was only, he might add, within the last month that a memorial had been received from the merchants of Londonderry pressing for some amendment in the law in that respect, while equally strong opinions in the same direction had, he was aware, been expressed by the Chamber of Commerce of Belfast. Acting, then, on what he thought was the almost universal feeling on the subject in Ireland, the Government proposed that, on the analogy that the duties of the sheriff were generally delegated to an officer who was called the high bailiff of the Court, the persons who should in future execute the decrees in question should be the sub-sheriffs of counties, who would be responsible officers fairly remunerated for the work. There were at the present moment such officers in Ireland brought very much into connection with the chairman of County Courts, and on them he thought the like duty of the executing their process might very advantageously be devolved, while the high sheriffs should be relieved from the nominal responsibility in those matters which now rested upon them, and which it would, in his opinion, be somewhat harsh to continue to impose. According to the provisions of this Bill the sub-sheriff alone would be charged with the duty of executing the process of the Court. He would be made the responsible person, and so give security, not only for the efficient performance of the duties devolving upon him, but for the due transmission of the proceeds of the distraint with the least possible cost and delay to the person in whose favour the decree was made. Then, the sub-sheriff must be fairly paid. It was calculated, that by giving the sub-sheriff fees on the warrants and poundage on the decrees, he would be sufficiently paid, while suitors would be considerably relieved. It was intended to make him directly responsible to the Crown, to whom he would give security, instead of, as at present, to the high sheriff; and to place him under the control of the County Court Judge, who would have the power of fining him for any impropriety of conduct or neglect of duty. There were other provisions in the Bill, which he thought would be a great improvement upon the existing law. One of these made it competent for a Judge of assize, upon appeal, to reserve a question of law for the opinion of a superior court. He trusted that the system to be established by the Bill would work cheaply and efficiently, without injury to individual interests, and with protection and benefit to the public.

Moved, "That leave be given to bring in a Bill to amend the proceedings of the County Courts in Ireland."

MR. GEORGE expressed his general concurrence with the scope and object of the Bill; but said that he thought it was a mistake that it was not provided that the warrants should be sent to the high sheriff in the first instance, in accordance with the practice of the superior courts, to be afterwards transmitted by him to the sub-sheriff for execution. If that plan had been adopted he believed it would obviate the difficulties which he foresaw would arise if the system proposed was adhered to.

Motion *agreed to.*

Bill to amend the procedure of the County Courts in Ireland, *ordered* to be brought in by Mr. ATTORNEY GENERAL for IRELAND, Sir ROBERT PEEL, and Sir GEORGE GREY.

CHARITABLE ESTATES AND TRUSTS ACTS.—RETURNS MOVED FOR.

MR. FERRAND moved for

"Returns of the names of the Chief Commissioners, Commissioners, Secretaries, Inspectors, Accountants, First Clerks, Second Clerks, and all other officials, who have been appointed under the Charitable Estates and Trusts Acts of 1853 and 1855; also, the dates of their appointments, and the amount of salary and travelling expenses each has received annually, and the profession, trade, or calling in which each was engaged when appointed: And of the total expense of the Board to the Public Exchequer and Charitable Trusts."

The hon. Member said, that his present Motion would enable him to test the sincerity of the Chancellor of the Exchequer, to prove whether he was sincere in the statement that he had just made, that the Government were extremely anxious to put a stop to all unnecessary expenditure in the civil service departments of the country. He believed he would be able to show that, so far as the Board of Charity Commissioners were concerned, there was within that body a large amount of reckless and useless expenditure of public money. That Board had been now in existence for ten years. It was a secret tribunal, from which the public were kept apart; they were ignorant of all its proceedings; and he believed, that at this moment there were few persons either in this House or out of it who were aware of the names of the gentlemen and officers employed under that Commission. There had been for a length of time the gravest complaints against the Board in all parts of the country. It was charged with negligence, with idleness, with ignorance, and with a total want of attention to the duties which were required at its hands in connection with the various charities throughout the country. He himself could bring many circumstances to light, connected with his own part of the kingdom, which would support the statement he had made; but it was not his intention at this time to allude to the manner of the working of the Commission. He would do that on another occasion. What he asked for now was a Return for the purpose of enabling him, as soon as he conveniently could, to appeal to that House to grant him a Select Committee to inquire into the construction, expense, and working of the Charity Board. He put his Motion on the notice paper under the conviction, that Her Majesty's Government would not for one instant oppose it; there was nothing unfair in it. But he had been told by the Government that they must refuse it, and that it was invidious and inquisitorial to ask for the profession, trade, or calling of each of the members of the Board, and the time of their appointment. If it were, indeed, inquisitorial, then he said that this was an inquisitorial Board. It had the power of inquiring into the different charities throughout the country in a manner most unconstitutional, and which had been protested against, not only in that House, but in the other House by some of the highest of the legal profession in this country. But why should the Government object to this Return? It was their duty, before they allowed one of those appointments to be made, to inquire into the antecedents of every person who held an appointment; and if there were Members sitting on this Charity Board who were afraid of their antecedents being investigated, then in his opinion it was the duty of that House to take care that this Return should be made, so that the House and the country might know why the Government were so anxious not to grant it. He would give the House a brief sketch of the history of the Board. It was founded in 1853. There were four Commissioners, one Secretary, and two Inspectors appointed under the Act of Parliament. The Commissioners were to be barristers of not less than twelve years' standing. The two Inspectors (Parliament was so informed when the Lord Chancellor introduced the Bill) were to be legal gentlemen of high attainments. There was to be one Secretary, to be a legal gentleman of high standing. The Act of Parliament fixed the salaries to be paid to these seven officers. There was to be paid to the First Commissioner £1,500 a year, to the remaining three £1,200 a year each, and to the Secretary £600 a year (he wished particular attention to this point), to the two Inspectors £800 a year each, making, in the whole, £7,300. Now, after this Board was formed of officers whose salaries he had quoted, the Act of Parliament went on to give to the Commissioners the power, with the sanction of Her Majesty's Commissioners of the Treasury, to appoint as many other officials as they thought proper. He desired to call particular attention to these powers, given by the Act of Parliament to these four Commissioners. At the time the Board was formed, the Commissioners communicated with the right hon. Baronet the Member for Wells (Sir William Hayter), who was then

Parliamentary Secretary of the Treasury; and he wished to find out, by the Return, what was the number of officers appointed by those Commissioners, and by the right hon. Baronet the Member for Wells at the time the Board was constituted. But he had another reason for moving for this Return. It happened, in the year 1854, that the hon. Gentleman who then represented Liskeard in this House (Mr. Crowder) became one of the Judges, and resigned his seat. An hon. Gentleman who sits on the benches opposite immediately went down to contest that borough; at that time he was Mr. Trelawny. He was a Cornish man of ancient lineage, highly respected in that county, and (what was rarely to be found on the opposite side of the House) true to his political principles. He was received with the greatest delight by the Whigs and Radicals of Liskeard. In fact, his reception was so hearty, his support so large, and the promises made to him were so numerous, that he felt thoroughly convinced that he was perfectly secure of his election. While he was under this delightful impression there suddenly appeared in the borough a gentleman, who at that time was Private Secretary to the noble Lord (Lord Palmerston) at the head of the Government. This gentleman appeared in the borough to oppose Mr. Trelawny. He certainly thought it an extraordinary thing, that a gentleman professing his own political opinions should come in such a disingenuous manner; but Mr. Trelawny was not at all alarmed; he knew the number of his supporters, and felt perfectly secure whenever the polling took place. But to his astonishment a member of his committee, who had considerable influence with a certain party of Radical voters in the borough, left him immediately before the polling, and carried over the voters to the side of Mr. Ralph Grey, the noble Lord's Private Secretary, who was returned, while Mr. Trelawny lost his election. He mentioned this circumstance for the purpose of bringing under the notice of the House something exceedingly suspicious, connected with an Act of Parliament obtained by the Government in the following Session. Early in the Session of 1855 the Lord Chancellor brought in a Bill to extend the powers of the Charitable Trusts Act of 1853. In asking for an extension of those powers he alluded to the circumstance of the fourth Commissioner, who should have held the appointment until the year 1857, having died, leaving a vacancy at the Board. He said that the Government had tried to find some gentleman of high legal attainments to take the place; but all who were applied to refused to do so on account of the shortness of the period before the appointment would cease—namely, in 1857. Therefore, the Government had thought it their duty to bring in a Bill to make the appointment of the fourth Commissioner permanent, and to extend the powers of the Commissioners. But in bringing in the Bill the Lord Chancellor never mentioned a circumstance which he (Mr. Ferrand) would bring to the notice of the House. The measure was not brought in before the House of Commons until a very few days before Parliament was prorogued. It was read a first time, and when the Attorney General moved the second reading he protested against any discussion upon it as it was of the greatest importance that the House should go immediately into Committee of Supply. When the discussion on the Bill took place, the hon. and learned Member for Wallingford (Mr. Malins) protested against the unconstitutional character of the provisions. The Attorney General, however, declared the measure to be most pressing, as the term of appointment of the fourth Commissioner would expire at the end of the Session. There was not one word of truth in that statement, as the appointment would not have expired till 1857, and the Attorney General must have known the fact. But there was a clause in the Bill giving the Commissioners, with the consent of the Lords of the Treasury, power to appoint three more Inspectors; but the House did not hear a word about such a power until within a few days of the prorogation. The House, however, upon the statement made by the Attorney General, passed the Bill. The Commissioners immediately appointed as one of the Inspectors the agent who had deserted Mr. Trelawny just before the polling. That appointment had caused an immense sensation in the west of England, where it was felt that this individual had acted a dishonourable part towards Mr. Trelawny. He was, however, paid for his services to the Private Secretary of the noble Lord at the cost of the taxpayers of this country. The election of Mr. Ralph Grey had cost the country not less than £22,400. He would prove this if the House would grant him the Committee. The third Inspectorship was not filled up, he believed, until the present year, Mr. Ralph Grey being made a Commissioner of Customs, at a salary of £1,200 a year by the noble Lord at the head of the Government. The Commission was known as the snug nest of Whigs; and a pretty numerous nest it was, providing for not less than forty-four persons, including a housekeeper, and wife, and two maid servants—thirty-nine of whom were in receipt of salaries. In 1853, when the first Bill was introduced, the Government said they did not think the expense would be more than £5,000 or £6,000; but in 1855, after the Commissioners and the right hon. Member for Wells had been at work filling up the appointments, it amounted to £12,390, and in 1864 to £18,243. And this amount was rapidly increasing. This was the sum voted out of the public Exchequer. Not one word, however, was said of the monies the Commissioners received from the private charities, which, he believed, were enormous. As to the minor charities the Board of Charity Commissioners was literally swallowing them up with expenses. The late Mr. Apsley Pellatt stated in that House that in the first two years the expenditure of the Charity Commissioners was not less than £78,000. There was, however, no means of knowing what the expenditure actually was apart from that voted out of the Exchequer. No Return could be obtained on this subject. He believed the Chief Commissioner, whom he saw sitting opposite (Mr. Lowe), to be quite innocent of all these charges brought against the Board; and, in fact, he believed that right hon. Gentleman had mentioned to a Friend of his (Mr. Ferrand's) that his agitation on the question was right, and that a stop must be put to what was going on. The salary of the secretary was fixed by Act of Parliament at £600. He should like to know by whose authority the secretary's salary had since been raised from £600 to £800. Was it under an Act of Parliament? [Mr. Lowe: Yes.] Unless that were done under the authority of an Act repealing the former Act, it was a robbery of the public. There were forty-one persons connected with this Board who were entirely unknown to the public. He could find no account whatever of travelling expenses, except a paltry sum of £500 included in the £18,234, and he had been informed that the expenses of the Inspectors in travelling over the country were extremely large. He was also informed that private charities were taxed without any control, except that of the Board. He might be told that this Return was an inquisitorial one; but the Board itself was inquisitorial; it had the power of summoning witnesses and examining them on oath, and if anybody refused to give evidence he was guilty of contempt of the Court of Chancery, and if he gave false evidence he was guilty of a misdemeanour. When the Inspectors had such tremendous powers in their hands the least that ought to be required is, that they should be what the Lord Chancellor promised—"legal gentlemen of high attainments." He had inserted in his notice the words "profession, trade, or calling" for the purpose of proving to the House and the country that at least one Inspector of the Board ought not to have received that appointment from the Lords Commissioners of the Treasury, and that he would never have done so had he not betrayed Mr. Trelawny and gone over and secured the return of the Private Secretary of the Prime Minister. The hon. Member concluded by moving for the Returns.

Colonel DICKSON seconded the Motion.

Motion made, and Question proposed, "That there be laid before this House Returns—

"Of the names of the Chief Commissioners, Commissioners, Secretaries, Inspectors, Accountants, First Clerks, Second Clerks, and all other officials, who have been appointed under the Charitable Estates and Trusts Acts of 1853 and 1855; also the dates of their appointments, and the amount of salary and travelling expenses each has received annually, and the profession, trade, or calling in which he was engaged when appointed;

"And of the total annual expense of the Board to the Public Exchequer and Charitable Trusts."

Mr. LOWE: The right hon. Gentleman has based his Motion on the assumption that it is the intention of the Government to oppose the production of the papers. He has stated that again and again, and I can only meet the hon. Gentleman's statement by a contradiction. The Government are quite willing to give the papers, subject to two objections, both of them remediable, and both of which he has been asked to remedy. The first objection is not an unnatural one, I think. The hon. Gentleman asks not merely for a Return of the present establishment of the Charity Commissioners, but of all the appointments of all the persons in the office since its foundation. It seemed a reasonable objection at first to say, that the hon. Gentleman called for persons who are not on the establishment, but who were on it eleven years ago. But the hon. Gentleman has entirely removed that objection, for, having gone into the history of the Charity Commission from its beginning, and having made so many charges against those who belonged to the Commission, he has done away with our objection, and we shall be very happy, as far as we can, to furnish the names of all the persons who have held office, from the First Commissioner down to the housekeeper, from the year 1853 to the present time. But if we are not able to give very accurately some of the travelling expenses and small incidental charges incurred ten years ago, I hope he will not blame us. The Charity Commissioners are appointed to exercise *quasi* judicial functions under circumstances of the utmost delicacy, and to discharge the duties of courts of justice without means which courts of justice possess. It has to decide all sorts of questions without a bar, and without the power of calling witnesses in the same way as other courts. Therefore it is a difficult matter to deal with a court the proceedings of which being from their nature not public, it is impossible that the charges against them can be met in the same manner as if the proceedings were public. It is no concern of mine to defend the Parliament of 1853 which created this Commission, nor, at a distance of nine years' time, the Parliament of 1855, which passed a Bill for the appointment of three new Inspectors. If the hon. Member had given notice that it was his intention to bring charges against any Member who had been in this House, no doubt that Member would have found some one to defend him; but it is quite out of the question that we should be called upon to go into the Liskeard election of 1854, or to defend the conduct of the Attorney General of 1855. These things are not germane to the point at issue. Then, the hon. Gentleman says that in 1860 the salary of the secretary was raised from £600, at which it had been fixed by the Act of Parliament, to £800; and he wants some explanation of that. It was done with the consent of the Treasury and of this House. I was the person to carry through the Bill—a Bill which extends, to the great benefit of the public, the jurisdiction of the Charity Commissioners. The increased salary was voted by this House, and, being sanctioned by Act of Parliament, has since been paid; and if the House votes that the Secretary should have £200 a year more than before, there was no reason to repeal the clause by which he was entitled only to £600. As to the expense of the Commission, it is not my business to defend it. The House of Commons votes the money every year in the second number of the Civil Service Estimates, and in it all the information which the hon. Gentleman wants will be found. He has said, and has repeated over and over again, that this Commission extracted in two years £78,000 from the charities of the country. The House will not be surprised to hear, because it must be in the general knowledge of Members, that the Commission has no funds except what are voted by this House; that it has no power to extract any funds from the charities, and has never done so. The thing is a mere chimera, and there is not the slightest foundation for it, though the hon. Gentleman has pledged himself to prove his statements before a Select Committee. I am quite willing to give in this Return all the information he requires which is germane to the charges in his speech. He has made charges against the Commissioners and Inspectors, but there is no objection to give him every information about them. The Commissioners are Mr. Erle (brother of the Lord Chief Justice), Mr. Hill, and Mr. Campbell, all counsel of great eminence; and the Inspectors are five gentlemen, three of whom are barristers, one a solicitor, and the other a gentleman who has not been brought up, as far as I am aware, to any profession. There is not the slightest objection to give every information about these gentlemen which may throw light upon the charges which he brings against them; but when the hon. Member asks me to call upon the clerks, doorkeepers, and other persons of this description for a return of their professions, trades, and callings before they became connected with the Commission, I think he asks for that which it is not worthy of the dignity of this House to enforce. Many of these men may have come from humble extraction and filled humble callings, and why should these things be paraded before the country about them? As for my antecedents, they are perfectly well known, and I may say the same of my brother Commissioners. All fair official information we do not object to give to the hon. Member, but it is not part of my duty to know whether a man before being appointed was a costermonger, or whether his wife kept a greengrocer's shop. This is the only objection I have to the hon. Gentleman's Return; but I say nothing of the objection which I may entertain to the tone of the hon. Gentleman's speech, in the course of which he has thought fit to make violent charges without notice to any of the parties to whom he has adverted. I object to the words in the Motion relating to the profession, trade, or calling of the persons appointed; and I hope the House will see that I am not endeavouring to deprive the hon. Gentleman of any of the real information which he so lusts for.

Mr. MALINS said, he was glad the Government did not intend to refuse the substance of the Return. As his name had been mentioned, he would say that though he could see no ground why the Government should refuse these returns, he desired to be understood as not concurring in the reasons urged by the hon. Gentleman (Mr. Ferrand); he could not concur in what the hon. Gentleman had said as to the constitution of the Board. The First Commissioner was Mr. Peter Erle, Q.C., a brother of the Chief Justice, a lawyer of great eminence, and than whom a more respectable man could not be found. The second was Mr. James Campbell, also a Q.C., against whom not a word could be said. The third, Mr. Hill, was never, he believed, called within the bar, but he was a junior counsel of well-known learning and ability, the author of an excellent treatise of frequent reference in the law courts, *Hill on Trustees.* The names of the Inspectors he did not all remember. One, however, he believed was Mr. Hare, a barrister of great eminence, whose reports were daily cited in the courts, and with regard to whom it was a matter of surprise that he undertook this office. Mr. Skirrow, again, was a member of a family of well-known legal eminence, and a man of excellent character—against whom not a word could be said. He (Mr. Malins) had nevertheless made objections in 1855 to the constitution of the Commission, which he still felt to a certain extent were not removed. He meant particularly the jurisdiction of the Board, which was to all intents and purposes a court of justice and of secret tribunal, from which there was no appeal, whilst it was unprovided with a bar, the accessories which were necessary for the due administration of justice. He recommended the hon. Gentleman to accede to the proposal of the right hon. Gentleman (Mr. Lowe), and to omit the words objected to with regard to the subordinate officials.

Mr. F. S. POWELL said, he was glad that the Government had permitted this Return to be made. He wished to observe

that the £18,243 taken in the Estimates last year was exclusive of the House, which must be subject to a yearly rent and to repairs. He entirely concurred with what had fallen from the hon. and learned Gentleman (Mr. Malins); and it was not from any doubt as to the character and attainments of the Commissioners and Inspectors that he acquiesced in the Motion, but because he thought too much light could not be thrown upon the transactions of public Boards. These Boards had large and extensive powers; practically there was no appeal from them; and there was need of men to act upon them, combining powers of mind, tact, and conciliation in a degree which was rarely found.

Mr. FERRAND said, that the right hon. Gentleman had so far given him the information he required, that he would withdraw that portion of the Motion which the right hon. Gentleman objected to, relating to the costermongers, their wives, and children, and leave them in the hands of the right hon. Gentleman.

Motion amended, and *agreed to.*

Returns *ordered,*

"Of the names of the Chief Commissioners, Commissioners, Secretaries, Inspectors, Accountants, First Clerks, Second Clerks, and all other officials, who have been appointed under the Charitable Estates and Trusts Acts of 1853 and 1855; also the dates of their appointments, and the amount of salary and travelling expenses each has received annually."

House adjourned at a quarter before Eight o'clock.

HOUSE OF LORDS,

Friday, February 12, 1864.

RATE IN AID ACT.—PETITION.

Lord DENMAN (in pursuance of notice) presented a Petition from the Board of Guardians of the Bakewell Union against the renewal of the Rate in Aid Act. The Petitioners complained, firstly, that they derived no special advantage from the township of Glossop, and, therefore, ought not to contribute to it merely because it was in the same county. He (Lord Denman) would remark that they affirmed this in no selfish spirit, as they announced their willingness to contribute towards relief for mills, together with the rest of the kingdom, if necessary. No doubt the prosperity of mills was beneficial to the counties in which they were as well as to the country at large; but he much feared that in the absence of almost all protection for trade, and with only a small relief for agriculture in the malt tax which was spoken of, and which was less likely to be useful than the reduction of half the malt tax by which scarcely any loss to the revenue would be sustained (and which he had advocated in 1850), neither towns nor the agricultural districts would be able to support their poor, who, judging from the increase of common fund cases seemed every day more likely to be thrown on a common national fund for their support. The petitioners said, secondly, that though for several years their own rates had been higher than those at Glossop, the Glossop Union had never contributed to aid them, and they did not think it just that they should be called upon to aid Glossop now. They said, thirdly, that Glossop had not availed itself of its borrowing powers, and that it was contrary to all principle for them to relieve a union, whilst it was possessed of much property.

Earl GRANVILLE said, he was not surprised that his noble Friend should take an interest in the case of Derbyshire. It would be in the recollection of their Lordships, that when the Rate in Aid Act was introduced the county of Derby was not included in it, but that that county was afterwards scheduled, in consequence of an opinion strongly expressed in the other House. The rateable value of the county of Derby was £1,200,000. The most that the county had ever been called on to contribute under the Rate in Aid Act was £6,000, which might be raised by a rate of 1*d.* in the pound. Last quarter the sum required was only £500. The grievance of the petitioners was not therefore a very heavy one. As the Act expired in April, and the Public Works Act had given employment to many persons at Glossop, the Bakewell Union would probably not be called upon again.

RAILWAY SCHEMES (METROPOLIS). JOINT SELECT COMMITTEE.

MESSAGE FROM THE COMMONS.

To acquaint this House, That they have directed the Committee appointed by them "to consider the best Method of dealing with the Railway Schemes proposed to be sanctioned within the Limits of the Metropolis by Bills to be introduced in the present Session, and to report their Opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session," to meet the Committee appointed by this House in the Painted Chamber on *Monday* next, at Half past Three o'Clock, as desired by this House. Ordered, That the said Message do lie on the Table.

Ordered,

That the Select Committee appointed by this House to join with the Select Committee appointed by the Commons to consider the Metropolitan Railway Schemes, have Power to agree in the Appointment of a Chairman of such Committee.

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 12, 1864.

MINUTES.]—New Members Sworn—Thomas Fleming, esquire, *for* Winchester; John Henderson, esquire, *for* Durham City.

Supply—*considered in Committee*—Committee report Progress.

Public Bills—*Resolution in Committee*—Tests Abolition (Oxford)*.

Ordered—Tests Abolition (Oxford)*; Bank Acts (Scotland)*.

First Reading—County Courts (Ireland)* [Bill 12]; Trespass (Ireland)* [Bill 13]; Appeal in Criminal Cases Act Amendment* [Bill 14]; Vestry Cess Abolition (Ireland)* [Bill 15]; Bank Acts (Scotland)* [Bill 16]; Election Petitions* [Bill 17]; Tests Abolition (Oxford)* [Bill 18].

Committee—Sir John Lawrence's Salary* [Bill 10].

Report—Sir John Lawrence's Salary*.

THEATRES (PRECAUTIONS AGAINST FIRE).—QUESTION.

Mr. W. EWART said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce any measure for the protection of Actresses and Actors from the danger of their dresses taking fire, to which they are now exposed at the Theatres?

Sir GEORGE GREY, in reply, said, the attention of the Lord Chamberlain had been very carefully directed to the subject of affording protection against accidents by fire, owing to the inflammable nature of the dresses worn by the performers. He, at the beginning of last year, addressed a circular letter to the managers of Theatres on the subject, and, after the occurrence of the recent lamentable accident at the Pavilion Theatre, he called a meeting of managers, at which the matter was very fully gone into. The result was that, after the most careful consideration, the Lord Chamberlain felt satisfied that it would be inexpedient to attempt to enforce by Act of Parliament the use of any particular means for effecting the object to which his (Sir George Grey's) hon. Friend referred. The Lord Chamberlain, however, embodied his views upon the subject in a memorandum which he had sent, signed by himself, to the managers of Theatres, accompained by a series of regulations for the more effectual prevention of accidents, and which were required to be posted up in a conspicuous part of each theatre. If the hon. Member would move for the production of those documents he would be able to see exactly how the matter stood.

DISEASED CATTLE.

QUESTION.

Mr. R. LONG said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been drawn to the statements made by the Government Commissioner, Professor Gamzee, as to the losses inflicted on British farmers by the importation of diseased cattle and sheep; and whether it is his intention to propose any remedy for the evils complained of?

Sir GEORGE GREY: My hon. Friend the Under Secretary for the Home Department will shortly give notice of the introduction of a Bill, or rather two Bills, on the subject.

CASE OF CAPTAIN MELVILLE WHITE.

QUESTION.

Colonel FRENCH said, he rose to ask the Under Secretary of State for Foreign Affairs, What compensation has been awarded to Captain Melville White for the treatment he received from the Peruvian Government?

Mr. LAYARD said, he regretted that he was unable to say when the Government would get the award in question. The matter had been referred, as his hon. and gallant Friend was aware, to the Hamburg Government, and they had placed the papers connected with it in the hands of a distinguished lawyer, but his Report had not yet been received.

NEW COURTS OF JUSTICE.

QUESTION.

Mr. MONTAGUE SMITH said, he wished to ask the First Commissioner of Works, Whether it is the intention of the Government to introduce in the present Session any measure for building new Courts of Justice in the Metropolis, or for improving the state of the existing Courts?

Mr. COWPER said, in reply, that it was the intention of the Government to introduce a Bill for the concentration of the Courts of Law and Equity on a site to be purchased between Carey Street and the Strand, in accordance with the recommendation of the Royal Commission which had reported on the subject.

CHARITABLE BEQUESTS (IRELAND).

QUESTION.

Mr. HASSARD said, he wished to ask Mr. Attorney General for Ireland, if it is his intention to introduce any measure during this Session for the amendment of the Laws relating to Charitable Donations and Bequests in Ireland?

Mr. O'HAGAN (Attorney General for Ireland) said, in reply, that he had, since last Session, given to the subject the best attention in his power. He had been in communication with some of the most active and influential of the Charity Commissioners in Ireland, and he had found that, although some small increase of jurisdiction might be thought desirable, they were not at present disposed to accept larger powers or greater responsibility. Their services being gratuitous, the Commissioners had power to withdraw at their pleasure; and the alternative open to the Government if they were to proceed on a different system from the present would simply be, that they should substitute for it one of a very expensive and very complicated character. He was not aware that there was any necessity for taking that course, or any such decided expression of opinion in Ireland as would justify the Government in adopting it. He believed that so far as matters had gone, meetings of the Board had not been held with sufficient regularity, and of which complaint had been made; but then there had been latterly considerable changes in it, and the attendance was, he understood, much better than it had been previously. Under all the circumstances of the case the Government did not deem it expedient to introduce a Bill on the subject.

DOCK AT MALTA.—QUESTION.

CAPTAIN **TALBOT** said, he rose to ask the Secretary to the Admiralty, Whether the Admiralty still adhere to their project of constructing a dock at the head of the Marda at Malta, notwithstanding the strong objections offered to it by Admiral Sir William Martin and Vice Admiral Codrington, as appears in the papers lying upon the table?

LORD **CLARENCE PAGET** in reply said, the Admiralty had seen no reason for altering their opinion and decision with regard to the new dock at Malta. They were certainly not disposed, under any circumstances, to make any alteration that would break faith with the Maltese Colonial Government. Nevertheless, there were such conflicting opinions entertained by various officers and others acquainted with the subject, that the Admiralty had given directions for an eminent engineer to proceed to Malta to inquire into and report thereon, and he hoped the Report would be ready shortly after Easter. He would take that opportunity of saying that the Navy Estimates, which he had that night laid upon the table, would be printed and in the hands of hon. Members on Monday, and he hoped to take the discussion on them on Monday week.

EXECUTION OF THE CONDEMNED PIRATES.—THE "FLOWERY LAND." QUESTION.

SIR **GEORGE BOWYER** said, he would beg to ask the Secretary of State for the Home Department, Whether the Government intend to take any steps, by application to the Court of Queen's Bench or otherwise, to prevent the execution of seven men simultaneously at Newgate?

SIR **GEORGE GREY** said, in reply, that two days ago he received a letter from the Under Sheriff of London and Middlesex, written by the desire of the Sheriffs, requesting him to make an order that these prisoners should be sent to different seaports throughout the country to be executed there, in order that a greater impression might be made upon the seafaring population; and stating that the hon. Baronet the Member for Dundalk (Sir George Bowyer) had suggested that, if his (Sir George Grey's) powers were not sufficient, an application might be made to the Court of Queen's Bench to make such an order. He replied that he had himself no power to make such an order, nor did he think that there was sufficient reason to justify an application to the Court of Queen's Bench. The only recent cases in which that Court had made such orders were cases in which there was a disputed jurisdiction, and it was doubtful upon whom rested the legal obligation to carry the sentence into execution. No such doubts existed in the present case, and therefore he did not see that there was any reason for departing from the usual course.

UNITED STATES. — MR. SEWARD'S DESPATCH OF JULY 11. — QUESTION.

LORD **ROBERT CECIL** said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether he intends to adhere to his Statement, that no verbal communication was made by Mr. Adams to Earl Russell of the substance of the Despatch addressed by Mr. Seward to Mr. Adams on the 11th day of July, or whether he desires to withdraw it? It had been whispered that a noble Lord, whose statement the hon. Gentleman was bound to respect, had given an account of the proceedings diametrically opposite to his own.

MR. **LAYARD**: I think, Sir, I might appeal to the House whether this Question is not entirely opposed to Parliamentary usage, and whether I might not decline to reply to it. My respect for the House, however, leads me to answer the noble Lord. I stated most distinctly the other evening that that Despatch had not been communicated to Earl Russell, and that no written or verbal communication in the sense of that Despatch had been made to the noble Lord. I trust that now at least the noble Lord opposite will be satisfied.

LORD **ROBERT CECIL**: The hon. Gentleman's words are still indefinite enough to make me desire to address to him another question, and that is, Whether any verbal communication intimating the nature of that Despatch has been made to the noble Lord?

MR. **LAYARD**: I believe, Sir, that a Member of this House answers as a gentleman and a man of honour, and not as a special pleader.

DENMARK AND GERMANY.—INTEGRITY OF DANISH MONARCHY. — REVOCATION OF THE CONSTITUTION.

QUESTION.

MR. PEACOCKE said, he rose to ask the First Lord of the Treasury, Whether, after the answer of the Under Secretary of State for Foreign Affairs to a question put to him by the hon. Baronet the Member for Buckingham (Sir Harry Verney), he is prepared to abide by or to withdraw a statement to the following effect:—

> "We propose that a Protocol, which is equivalent to a Treaty, should be signed in London by the representatives of England, France, Austria, Prussia, Russia, Sweden, and Denmark, and that by that Protocol Denmark should promise to take the earliest steps for revoking the Constitution of November; that time should be given her; that England, France, Russia, and Sweden should be, as it were, pledges to Austria and Prussia for the fulfilment of that condition; and that Austria and Prussia should accept that Treaty guarantee in lieu of the territorial guarantee which they demand."

And, in the event of his wishing to abide by it, to ask him what was the nature of the guarantee? The statement of the Under Secretary to which he referred was as follows:—

> "Her Majesty's Government could, of course, give no guarantee that the Rigsraad, which was a constitutional assembly, would revoke the Constitution; that, of course, would remain for the Rigsraad to decide. What the Government proposed was, that a Protocol should be signed in London between the Powers who were parties to the Treaty of 1852, by which the Danish Government should undertake to call together the Rigsraad for the purpose of submitting to them a proposal for the withdrawal of the Constitution."

VISCOUNT PALMERSTON: I think, Sir, we seem to be getting very much into special pleading. I adhere entirely to the statement which the hon. Gentleman has read, and I adhere to the plain grammatical meaning of the words of that statement. What we proposed was that there should be a Protocol signed in London, in which Protocol Denmark should give a diplomatic engagement which might be more satisfactory to Austria and Prussia than the direct promises to them which they appeared to think were not sufficiently strong—that in that Protocol Denmark should give a diplomatic engagement to Austria and Prussia, taken in the presence of the other Powers, to revoke the Constitution as soon as the Rigsraad could be assembled and the proposal could be made. We proposed that, England, France, Russia, and Sweden being witnesses to that engagement, Austria and Prussia should accept that diplomatic security in lieu of the territorial security that they wanted to obtain. We gave no guarantee. [An hon. MEMBER: You said so.] England gave no guarantee other than being a witness to the engagement, which would have been more binding upon Denmark than a simple assertion made on her part to Austria and Prussia. We thought that a reasonable proposal, and we thought that a very sufficient security; but Austria and Prussia, being bent upon obtaining great renown and great military glory, and thinking that that was to be most easily got by attacking the little State and small army of Denmark, declined that proposal and said that it was too late, as their troops had marched. I never said that England was to give any other guarantee than the security which Austria and Prussia would have obtained by the formal and diplomatic engagement of Denmark, made in the presence of the other Powers, who were witnesses to it, and the consequent greater moral obligation on the part of Denmark to make it good than would otherwise have existed.

Lord ROBERT CECIL: Before going to the Orders of the Day, I desire to ask the noble Lord at the head of the Government, if he can give the House any information concerning a statement which has appeared in a paper usually supposed to be well informed, that an Armistice has been proposed by the English Government on the evacuation of Schleswig, barring the island of Alsen, by the Danes. I wish to know if such a proposal has been made?

VISCOUNT PALMERSTON: Her Majesty's Government, in concert with France, Russia, and Sweden, and with the concurrence, I believe, of Austria, have suggested such an arrangement to Prussia—we do not know with what success.

RAILWAY SCHEMES (METROPOLIS).

MR. MILNER GIBSON *brought up* a Message from the Lords.

That they do *agree to* the appointment of a Committee, consisting of Five Lords, to join with a Committee of this House, consisting of Five Members, to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session (pursuant to Message of *Tuesday* last); and their Lordships propose that the said joint Committee do meet in the Painted Chamber at half past Three of the clock on *Monday* next.

Lords' Message *considered.*

Ordered,

That the Committee appointed by this House to join with the Select Committee of the Lords "to consider the best Method of dealing with the Railway Schemes proposed to be sanctioned within the Limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session;" do meet the Lords Committee in the Painted Chamber on Monday next, at half-past Three of the o'clock.

MESSAGE TO THE LORDS—To acquaint their Lordships that this House hath directed the Committee appointed by them to join with the Select Committee of the Lords, "to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session," to meet the Committee appointed by their Lordships in the Painted Chamber on *Monday* next, at half-past Three of the clock, as desired by their Lordships.

Ordered,

That the Select Committee appointed to join with the Select Committee appointed by the Lords "to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and if any, what schemes should not be proceeded with during the present Session," have power to agree in the appointment of a Chairman of such Joint Committee.—(*Mr. Milner Gibson.*)

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

UNITED STATES.—CAPTURE OF BRITISH SHIPS.—PAPERS MOVED FOR.

MR. SEYMOUR FITZGERALD: Sir, in rising in pursuance to the notice I have given to call the attention of the House to the circumstances attending the capture by Federal cruisers of certain British vessels, namely—the *Springbok,* the barque *Science,* captured at Matamoras; the ship *Margaret and Jessie,* and the *Saxon,* captured within the jurisdiction of the Colony of the Cape of Good Hope, and to move an address for Papers which will greatly inform the House both as to the events that have taken place, and as to the conduct which Her Majesty's Government have thought it their duty to pursue; I beg to assure the House that it is far from my intention to make any observations, or to embark in a course of discussion that shall tend in the slightest degree to add to that irritation which unfortunately exists on both sides of the Atlantic. And I shall very much regret if the observations I am about to make should lead to a general discussion of the relations existing between the two countries—relations which at the present moment I fear are far from satisfactory, if not alarming. I am sure there is no Member of the House, who, however much he may desire, when the necessity arises, to assert in his place in Parliament the rights and dignity of his Sovereign and his country, who will not at this time rather allay than increase that irritation which I fear exists between the two countries. Therefore, I shall limit my observations strictly to the subject to which my notice refers. I shall scrupulously avoid alluding even to that correspondence which has passed between the two Governments in reference to the *Alabama* and the *Oreto,* her sister ship, on which I think claims have been somewhat inconsiderately urged on the one side, and, at the same time, I am bound to say, properly and justly repudiated on the other. Neither shall I refer to the course pursued by Her Majesty's Government with regard to the detention of certain vessels in course of construction at Liverpool, nor to the correspondence referring to it. My object on the present occasion has an English interest only. It is to ascertain the details of captures which have made a most painful impression on the public mind; and also to ascertain whether, as I hope will prove to be the case, the course pursued by Her Majesty's Government has been such as becomes a British Government. Before I enter into a consideration of the Question now before us there is one observation I cannot refrain from making. It is this, that I think that during the past Session of Parliament, and even at the commencement of the present Session of Parliament, the House of Commons has not been treated by Her Majesty's Government with that candour, fairness, and frankness to which I think it is entitled. I hold in my hand a collection of papers given by the Government of the United States, at the earliest moment, to the Congress, which omits no one topic which has been the subject of discussion, either as regards the seizing of vessels from British ports, the enlistment of British subjects, in the military and naval service of either belligerent, or the fitting out and arming of vessels in British ports. On all these subjects the Congress were provided by their Government with the earliest and the fullest, and most ample information ; but yet here the House of Commons has been left in the dark as to the circumstances that had transpired—circumstances affecting, not only the commercial interests of the country but its honour and dignity. The Government remain perfectly silent until the information is elicited from them by some hon. Member who is prompted by a constituency or by information he has received to make the inquiry. Now that is a wrong principle for the Government to go on ; it is not just to the House of Commons, and, what is more, it is not just to themselves; because their position would be stronger, their language much more powerful, if it was known that their opinions were backed by the entire confidence of a House of Commons possessing a full knowledge of everything that is passing. Now, with reference to the cases of the four vessels as to which my notice particularly refers. I again say I wish to learn from the Government the correct circumstances and the course which the Government has pursued. The first case is that of the *Margaret and Jessie.* During the past Session of Parliament on three several occasions I attempted to obtain information from the Under Secretary of State for Foreign Affairs on that case ; but on those occasions I was answered that I should have the information as soon as Her Majesty's Government obtained it. I have not, however, received it up to this moment. The circumstances of the *Margaret and Jessie* are these. She is not a British vessel but a Confederate vessel, owned by a Confederate citizen ; she was pursued by one of the Federal cruisers into British waters, and for an hour and a half the pursuit was kept up within the jurisdiction of Her Majesty and within the territorial dominion of this country. The Federal cruiser threw shot and shell into the Confederate vessel, and ultimately, after an hour and a half's chase within the limits of English jurisdiction, and at no time more than 400 or 500 yards from the land, a shot hit the Confederate vessel, damaged her machinery, and she sunk at a spot not more than 300 yards from one of the Bahamas. The position also was such that the shot and shell sent from the Federal cruiser passed over the Confederate vessel and went crashing into a plantation adjoining the village, on British soil, so that the inhabitants, in fear for their safety, were obliged to quit their habitations and take refuge at a distance. I think that is a most glaring instance of the recklessness which individual commanders in the Federal service have in several cases exhibited in the pursuit of their enemy, and of their total disregard of the rights of other Powers, and a stronger one could not be given. Now, Sir, I wish to know from Her Majesty's Government, what course they have pursued on this subject ; and I wish to know if they have placed all the depositions which are in their possession, or which can be procured, before the Federal Government; and whether they have demanded from that Government the satisfaction for this breach of territorial independence of their country to which they are entitled. I am quite aware that the British Government are in possession of those depositions and the correspondence of the Governor of Bahama on the subject ; and I further ask the Government for copies of all correspondence with the Governor of the Bahama islands, and all correspondence between the owners of the *Margaret and Jessie* and the Government of the United States and its representative in London on this subject.

The next case as to which I desire information, is that of a vessel called the *Springbok.* The first course adopted by the American Government, in order to put down the trade that had grown up between certain British and neutral ports and the Confederate States, was to capture every vessel they could catch, on the plea that she was about to break the blockade, though really she was bound to a neutral port. I will not say one word with reference to the trade that has sprung up between Nassau and other neutral ports and the Confederate ports. I regret myself the existence of that trade; but, at the same time, the noble Lord at the head of the Foreign Office having in effect said that the trade as far as Nassau was as legitimate as the trade with Liverpool, or any other port in these islands, it was impossible for the Government to allow it to be interfered with by any process contrary to international law. In the case of the *Springbok*, the Prize Court in the State of New York assumed a position which Prize Courts in the United States had never previously attempted to occupy. The decision of the Prize Court of New York is such that it has not only attracted the attention of all engaged in commercial pursuits in this country, but it has attracted the attention of lawyers and of governments abroad. One of the most eminent lawyers in Paris, closely connected with the Foreign Office of France, has stated the views of the Government of France with reference to the doctrine laid down by the Prize Court in the case of the *Springbok;* because it does not only concern the Government and the commercial community of this country, but concerns every neutral and maritime power, whose rights are grossly outraged. I do not think it desirable to enter into a discussion on the merits of these decisions, or that the House should constitute itself into a Court of Appeal from the decisions of the Courts of the United States. But it is of importance to call attention to the statement made by M. Vignaud, that this decision involves three important and flagrant violations of international law. First, the arbitrary assimilation and reducing of goods, the subjects of commerce, to what are called contraband of war; secondly, the arbitrary seizure of the whole of the cargo, because amongst it there might be some small articles considered to be contraband; thirdly, the seizure and illegal confiscation of neutral property, under a neutral flag, between two neutral ports, under the pretext that the cargo had an ultimate destination to a belligerent port. If there are three such points as this, is it not time for the Government, not only to make reclamations of right, but to state their opinion that these doctrines are contrary to those hitherto understood and accepted as international law; and that in allowing the case to go to the Supreme Court of the United States, they are not to be understood as giving their adhesion to such questionable doctrines. I wish, therefore, to know from Her Majesty's Government what course they have taken in reference to the decision given by Judge Betts in the Prize Court; and I wish also to ask for copies of the correspondence between the owners of the *Springbok* and Her Majesty's Government, and between Lord Lyons and the Government of the United States, with reference to the judgment the Prize Court has given.

The third case is that of the *Science*, a vessel seized in the waters of Matamoras. This is another remarkable instance showing how the officers of Federal ships have step by step encroached on the rights of neutrals and the principles of international law. The case of the *Science* is this: She was a British vessel owned at Waterford; she took a cargo for Matamoras, consigned to British merchants resident there. Previous to her capture she had been at Matamoras ten weeks, and had been boarded by several Federal men of war. During that time she had disembarked all her cargo, and it had been sent to Matamoras, and at the time of her capture was in the customhouse in the custody of the Mexican authorities. No doubt could be entertained that the vessel was neutral: she carried a neutral cargo, and there could be no doubt as to her destination, as she was then at her destination and her cargo discharged. On the 5th of November she was seized by the Federal cruiser *Virginia,* on the ground that the cargo that she had brought was intended for the use of the Confederate Government, although that cargo was then on neutral ground in charge of a neutral Government. The *Science* was at the time of her seizure engaged in loading a cargo of cotton and hides, which again was neutral property, for this country. She was nevertheless seized by the Government of the United States, and was carried off to New Orleans, where her master and crew were set on shore without money, and without protection, and without any attention being shown to them by any person connected with the Federal Government; and the return cargo at this moment is left to abide the decision of the Prize Court, on the plea that she had brought to a neutral port neutral property which might ultimately reach the hands of the Confederate Government. Now, I think a more outrageous breach of every doctrine of the law of nations could not be mentioned. Therefore I beg the Government to say, whether the facts I have stated are correct, and whether they are prepared to give the House the fullest information as regards these facts, and the course the Government have pursued with reference to them?

The last case to which I have to call the attention of the House is that of the *Saxon,* which was captured by the notorious cruiser the *Vanderbilt* in waters which are within the jurisdiction of the Colony of the Cape of Good Hope. This is a case to which I cannot refer without a feeling of pain—I had almost said without a feeling of irritation—for it has resulted in one unfortunate British subject, in his own vessel, under a British flag, in the execution of his duty, and within the jurisdiction of the British Crown and in British waters, being murdered by a person claiming to be a Federal officer. The case of the *Saxon* is this:—She left Table Bay on the 2nd September last with a cargo of cattle for Ascension, which she reached on the 17th of the month. She proceeded, by orders, from Ascension to Angra Pequina, an island which has been declared by proclamation within the jurisdiction of the Cape of Good Hope. I believe it is stated by the American Government that that proclamation was not officially furnished to them. Whether this is so or not, it will not alter the fact, that on board a British vessel, under a British flag, a British sailor has been murdered by the intemperate conduct of a Federal officer. The *Saxon* arrived at Angra Pequina in ballast, and the captain received orders to take in a cargo of skins and wool. It was taken from the beach by the crew and some men, but no men belonging to the *Atlas* were so employed. The importance of this observation is derived from the fact that the *Atlas* had brought a cargo of coal to the island, which was believed to be for the use of the Confederate cruisers. The *Saxon* had completed her loading, and was preparing for sea, when on the morning of the 30th October the captain observed a large steamer, which proved to be the Federal cruiser *Vanderbilt*. The cruiser sent an armed boat to the *Saxon* in charge of Beldon, the senior, and Donoghan, the junior officer. The crew made no resistance. They were told to go below. As Mr. Gray, the mate, was going down the ladder, the American officer Donoghan gave him a push. The mate was turning round to see who pushed him, but was making no resistance. He was unarmed, and had no weapon in his hand. But the American officer deliberately drew his revolver and shot him dead on the spot. There has appeared in the papers a letter purporting to be from Her Majesty's Government to the hon. and gallant Member for Aberdeen, the effect of which was that the Government had represented to the Government of the United States that if the circumstances were as they were represented, it is the opinion of Her Majesty's Government that the American officer ought to be put on his trial for murder. I wish to know if the circumstances I have stated are correct, and if that is so, then I say that the course taken by Her Majesty's Government, as represented in the letter I have referred to, is a course not sufficient for the occasion, and unworthy of their position as a British Government. When under the flag of this country, and in British waters, an English subject is brutally murdered, without excuse, offering no resistance, is it sufficient for the Government to say there is good ground, in their opinion, for putting the Federal officer on his trial? Ought not their language rather to have been—"We send you the fullest information we have; if it is correct, we demand as a right that the officer shall be put upon his trial, and receive the punishment his crime deserves?" As regards all these four cases, I have put them fully before the House in no spirit of hostility, but with a view to obtaining clear information as to the spirit in which the Government have acted, and I trust that we shall find their conduct has been such as becomes a British Government and a British nation.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence with the Governor of the Bahama Islands, with reference to the sinking of the *Margaret* and *Jessie* in British waters.

"Of all Correspondence with the owners of the *Margaret* and *Jessie*.

"Of all Correspondence with the Government of the United States, or their Representative in London, or Lord Lyons, on the same subject.

"Of all Correspondence between the owners of the *Springbok* and Her Majesty's Government, and also between Lord Lyons and the Government of the United States, with reference to the judgment of the Admiralty Court at New York.

"And, of all Correspondence between Her Majesty's Government and the owners of the vessels the *Science* and the *Saxon*, and of Her Majesty's Government and the Government of the United States on the same subject."—(*Mr. Seymour FitzGerald,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL: Sir, I shall have no difficulty in giving the House such information as, I am sure, the House will desire to receive consistently with the course of the negotiations going on with the United States. In the first place, with regard to the *Margaret and Jessie*, I believe that the hon. gentleman's account is substantially accurate. He may rest satisfied both that the Government have taken the course that might have been expected from them, and also that the answer received from the United States tends at least to show no insensibility on their part as to what it would become them to do, assuming the facts related by the hon. Member to be made out to their satisfaction. The hon. Gentleman says he referred to this subject last Session, and was told by my hon. Friend the Under Secretary, that at that time the Government had not received sufficient information. The fact, I believe, is, it was not until a subsequent period that the correspondence commenced, and then on the facts reported to the Government a communication was immediately made to Mr. Seward, who referred to Captain Trenchard, the commander of the Federal cruiser. Captain Trenchard denied that he had chased a Confederate vessel at all within British jurisdiction. At the same time, Mr. Seward said that if it should appear that any act of hostility or pursuit had been committed within the maritime jurisdiction of Great Britain the act would be disavowed, and ample redress would be promptly given. After a short time had been given to the American Government for inquiry, Her Majesty's Government informed Mr. Seward that the facts as originally stated by them had been confirmed by subsequent reports, and they mentioned the circumstance of the balls having struck objects on the shore as making it certain that the firing had taken place within our territorial jurisdiction, and urged that the matter might receive the most prompt attention. Early in September a verbal communication, stating that the matter was still the subject of inquiry, was received from Mr. Seward, and subsequently he applied to Lord Lyons for a copy of the evidence which had been laid before Her Majesty's Government on the question. That was sent in November or December last, and on the 20th of January, Mr. Seward, acknowledging its receipt, said the evidence would receive the most attentive consideration; and if it could be done with due regard to justice and the honour of the United States, it would give the President pleasure to make such a decision as would give satisfaction to Her Majesty's Government; but if further investigation was required, then they reserved to themselves the right to make that investigation. I think, therefore, the House will see that Her Majesty's Government have taken exactly the same course with respect to this Confederate vessel as if it had belonged to one of Her Majesty's own subjects. Of course, when there is a controversy as to facts, we cannot, in a high-handed manner, insist at once on a decision being taken on the statement of one side only: we cannot refuse further inquiry, however confident we may be that the evidence is sufficient, or that the investigation, if fairly conducted, can have only one result.

Now, I come to the second case, which is that of the *Springbok;* and here I must remind the House how unadvisable it is that questions which are pending before judicial tribunals should be made the subject of discussion here, not only on account of the difficulty which hon. Members must feel in judging questions which, after all, are questions of law, and require some study and knowledge to understand, but because you will be prejudicing the parties concerned if you enter into a premature discussion of the merits of each case. The case of the *Springbok* has been decided in the Prize Court of the First Jurisdiction, and is now under appeal to the Superior Court. I shall, therefore, take the liberty of saying that, in the remarks which I propose to make, I shall neither state the substance of any representations which, from such imperfect information as we have had, may have been made by Her Majesty's Government; nor, on the other hand, do I intend to express any opinion whatever as to the facts of the case. But with regard to the principles of the judgment of the United States' Prize Court, I should be ashamed of myself if I were not to do justice to that Court, and to the Judge who presides over it, whatever criticisms and comments may have been made by any writer on the other side of the Channel. Her Majesty's Government have been only very recently supplied with full copies of the judgment pronounced in that case—so recently that I think it not impossible that the French writer to whom my hon. Friend referred, may have proceeded upon some other information than the printed judgment of the learned Judge. But, be that as it may, we all know very well that the French writers do not accept in all respects the same views of maritime and international law which have always prevailed in this country. No doubt if we were to accept their judgment with respect to the decisions of Lord

Stowell during the last French war, we should say that the greater part of the law laid down by that eminent and learned Judge is wrong. And I will repeat that, though in the judgments of the United States' Prize Court there may be passages open to criticism upon matters of legal theory, and although I am far from saying that they have always applied the principles of law correctly to the facts of the case, yet I am not aware of one single decision pronounced during the war in any one of those courts which does not bear upon the face of it signs of an honest intention to administer the law as received in the United States; and the case of the *Springbok* is no exception to that rule. In all the three points to which my hon. Friend has referred, whether or no the principles were rightly applied to the facts and evidence, the decision come to was based on principles, be they right or be they wrong, which were principles of our own Prize Courts in the war with France. In the first place, my hon. Friend has said that the presence of a limited quantity of contraband has been made to affect the cargo as a whole. In the decision I find a very considerable quantity of contraband stated to have been proved in evidence; some articles, such as army blankets, cavalry boots, and so on, might perhaps, if they stood alone, have been justly regarded as ambiguous. But there were 360 gross of brass navy buttons marked "C. S. N.," Confederate States Navy, having a character entirely unambiguous, and giving a character to the rest. Our courts have laid down that when you find the same persons who are concerned in shipping contraband cargo concerned also in shipping cargo not contraband, you may confiscate the whole of it. I cannot adopt, therefore, the criticism of the French writer upon the principle on which the United States' Prize Court has acted, because that principle is, so far, exactly the same as has been laid down in our own courts. But there is another principle which requires to be enunciated with more distinctness than has been done by my hon. Friend. My hon. Friend in ambiguous terms has spoken as if the Court had decided that the mere fact, that the goods on board might ultimately find their way to a belligerent, although they were being actually transported to Nassau, a neutral port, was sufficient for the condemnation of the cargo. If that were so I should entirely agree with my hon. Friend and say, that was a principle unknown to international law, and one against which this country ought to protest. But that is not the ground upon which the judgment is based. It is based upon this: that upon the evidence, rightly or wrongly, the learned Judge came to the conclusion that the direct destination of the cargo was to the Confederate States. Judge Betts, in delivering judgment in this case, says—

> "I am entirely satisfied, from all the evidence in the case, that the cargo of the *Springbok* was intended to be delivered in the enemy's country, by transhipment at Nassau into a vessel in which it should be carried through the blockade, and that such was the intended destination of the cargo on its departure from England."

I hope the Court of Appeal will do justice, if the facts are not such as to justify this conclusion; but if the conclusion of fact on the part of the Court of First Instance was just, that is a principle of law which has been acted upon in this country. Lord Stowell, in his judgment in the *Thomyris* case, says—

> "It is a clear and settled principle that the mere transhipment of a cargo at an intermediate port will not break the continuity of the voyage, which can only be affected by a previous actual incorporation into the common stock of the country where the transhipment takes place. If there was nothing more than a transhipment of the cargo from one vessel to another, that will not alter the transaction in any respect, and it must still be considered as the same continuous voyage to the port where the cargo was ultimately to be delivered."

It is of great consequence that those of our merchants who are engaged in this contraband trade should understand these things, and should know that the law of nations is not so weak and so easily eluded as to be unable to draw the distinction between the two cases. In this very judgment the Judge says distinctly, that if the articles, contraband or not contraband, had really to be delivered at Nassau and left there, the cargo would not have been condemned; and that is the principle of our own courts. It is, of course, possible that the Judge of the American court may have been wrong in his facts, but the question is now one for a Court of Appeal; and we must not be drawn by French authority, Confederate authority, or any other authority, into denying those principles of law which were built up and established by ourselves during the French war.

With regard to the third case, which is in its earliest stage, as far as our information goes, the facts reported to us correspond very much with what has been stated by my hon. Friend, and there was only one course which the Government could take—namely, to represent to the United States' Government, that if it were really true that a ship which had *bonâ fide* imported goods of any description into Mexico had been afterwards seized because she was loading cotton which may have come from the Confederate States, this Government cannot possibly acquiesce in that seizure; and if any Prize Court of the United States should on such grounds condemn the vessel, which I think improbable, Her Majesty's Government could not acquiesce in such a decision. But the Government have had information, as yet, from one side only, although, as it came from a respectable quarter, they do not doubt its truth. All the Government could do was to transmit the statements made to them to the proper quarter, with a representation that the case is one deserving the prompt and serious attention of the United States' Government, and that they trust it will be dealt with in the same manner as the United States' Government have professed to act in similar cases, and not only have professed, but have really acted. For that case of the *Science*, so far as at present appears, is precisely the same as that of the *Labuan*, which actually passed through the Prize Court, and was released on the ground that the circumstances did not justify the capture.

I come now to the case of the *Saxon*, and here I must concur with my hon. Friend in expressing my deepest regret for the occurrence which has taken place; for if the information is correct—and there is no reason to doubt its correctness—a most wanton and barbarous murder was committed on an unoffending person on board that ship. The same information which we have received also leads us to hope, that as soon as the circumstances are known in the United States the Government will hasten to make such reparation as is in its power. When the matter came to the knowledge of Captain Baldwin, of the *Vanderbilt*, he expressed his regret in terms becoming an officer in his position. With respect to other information which we have received, as to this ship, I must use some degree of reserve. There are things which might not be quite to the interest of the owners if I were to make them the subject of attention in this House. The *Saxon* was seized by the United States' ship *Vanderbilt* as a prize, and taken to America, where it now awaits the judgment of a Prize Court. On what grounds I can only conjecture. Her Majesty's Government sent instructions to Lord Lyons to represent the circumstances, so far as they were known, to the Government of the United States. At first sight, at all events, it appears extraordinary that a ship belonging to the Cape Colony, which could not possibly be suspected of an attempt to break the blockade or to carry contraband to the Confederate States of America, should be seized; but I should be uncandid if I were to say that no information has reached Her Majesty's Government of a character to enable them to conjecture what answer may possibly be given to an inquiry on the subject. If our conjecture be right, the answer would be that the case was about to be tried in the Prize Courts, where the validity of the facts and the grounds on which the law applied to them would be the subject of investigation, and therefore we must wait to know what those grounds are before Her Majesty's Government can decide upon the course they should adopt with respect to the capture of that ship, or say or do anything which in the Prize Court might operate to the prejudice of those who would there be the claimants of the vessels. I must, however, make an observation upon what has fallen from the hon. Gentleman. He has spoken as if this ship was taken within British jurisdiction. That I believe to be a mistake. The fact is, that the island referred to by the hon. Gentleman was at one time proposed, by the Colonial authorities, to be annexed to the Colony of the Cape; and in 1861 Sir George Grey, the Governor of the Cape, issued a proclamation, subject to Her Majesty's confirmation, declaring the island to be so annexed. That confirmation, however, never was given, and possession of it was never taken in Her Majesty's name, or by Her authority; so that we have no right or title, as between ourselves and the United States, to represent that island as part of Her Majesty's dominions. The mainland opposite the island does not belong to the Colony of the Cape, and, under all these circumstances, the case is one simply of capture, though requiring the most grave consideration on the part of theUnited States. With regard to this case, the hon. Gentleman expressed his astonishment that Her Majesty's Government had merely represented to the Government of the United States that, if the facts reported to them were correct, it appeared that a murder had been committed, for which the murderer ought to be brought to trial. I want, then, to hear what he would have done. It appeared from his statement that he would have done the same thing, only in more flourishing language; but I cannot see that a remonstrance is less in point of gravity because it is made in terms of moderation and courtesy. With regard to the production of papers, the Government have no motive, as far as they are concerned, to withhold them; and if the House gives credit to the statement I have made with regard to the *Margaret* and *Jessie* and the *Science*, I believe Her Majesty's Government would appear to have taken such a course as the country would wish; but I submit that it would be much wiser not to press for such papers while negotiations are pending. The object of the Government is to bring these communications to a successful result. The effect of producing papers and taking discussions on them may possibly be different in this country from what it is in the United States, the Government of which have produced papers of the kind. They, of course, know best what they ought to do on the point; but I have a feeling that some negotiations would be prosecuted with better chance of success if they were not made the subject of comment in all the newspapers of the American Union. Remarks which may be of an irritating nature, and open to answer, might possibly thwart, rather than assist, the course of pending negotiations. Therefore I would humbly recommend to the House to abstain from calling for these papers until the negotiations are brought to an end. With respect to the *Saxon*, I do not think that it would be expedient in the interest of the parties concerned that the papers should be given.

Lord ROBERT CECIL: Sir, I do not think the explanation of the hon. and learned Attorney General, able and ingenious as it was, will be very satisfactory to the commercial community of this country, or to those whose interests are compromised by the course of action taken by the United States. The practice of the Government, as we have often had reason to complain in respect to several matters which have occupied our attention, has been to withdraw all information from the cognizance of the House, and to the utmost possible extent to neutralize that prerogative of supervision which is one of the attributes this House should most jealously cherish. They have done it at times by refusing papers, or delaying papers; at others by making unintelligible answers to questions which have been subsequently contradicted elsewhere. But I think the Attorney General has done it in quite as effective, though in a more ingenious way, when he tells us he absolutely declines to go into any of the evidence upon which these condemnations of the property of British merchants has taken place. It is quite obvious that however accurate the law laid down by the tribunals of the United States may be, yet those tribunals, if they choose to stretch their facts to meet their law, can commit any amount of injustice on the property of the merchants. It is of no use to tell us what the law is; I should have a poor opinion of the acumen of the Government of the United States if they gave us false law, when they could so much more easily have recourse to false facts. If their law is false, reference can be made to Lord Stowell, and they can be told that their law is wrong; but a far more simple and obvious course for them to take is to stretch and distort the facts. On all occasions the Attorney General is accustomed to express an unlimited admiration of the courts of the United States. The sentiment is a novel one in this House and in this country. I do not think that the hon. and learned Gentleman was ever so strongly inspired before it became a matter of Government policy to yield everything the United States may demand. But be that as it may, I do claim for this House the right of discussing the evidence on which the decisions of the American courts are rested, and to exact from the Attorney General an account of the reasons why he acquiesces in what appears to be a manifest injustice against British subjects. The question of the vessels condemned in the Prize Courts is far from being the gravest charge of the hon. Member for Horsham. The gravest of the charges was the murder case; and in respect to that murder case all we are informed of is that our Government have told the United States that it deserves their gravest consideration. The Attorney General told us also that the captain of the *Vanderbilt*, Captain Baldwin, had expressed his regret at the occurrence in terms which became his position. I cannot help remembering that this is not the first case of the murder of a British subject in foreign parts which we have dealt with during the present Session—during even the present week. I cannot help contrasting the manner in which Her Majesty's Government dealt with another case where a British subject was murdered, not in the execution of his duty, but in a somewhat questionable position—not by a reputed officer of a foreign state, but by a mere ordinary swordsman. In the latter case the British Government were not satisfied with polite expressions of regret, or with declaring that the matter "deserved the gravest consideration." I want to see some of the energy displayed at Kagosima applied to the murder committed by the officer of the United States. Now, Sir, we must not run away with the idea that we can take this case in an isolated way. We must not imagine that we can burn towns at one end of the world for the murder of a British subject, and be satisfied with a few polite expressions in the other in a similar case of murder at the other end, without foreign nations observing the contrast. The contrast between the ordinary policy of this Government towards America, and perhaps I might add to other Powers, such as Russia — the contrast between that policy and the policy we have pursued in the East has created a most bitter feeling of contempt amongst all those who criticise us abroad. Two years ago a movement was made in this House with respect to the American blockade, and the Attorney General then defended that blockade with singular skill and ingenuity. Being however rather hard driven in his legal argument, the hon. and learned Gentleman resorted to a theological argument, and told us that we ought to respect the blockade, because we ought to do to others as we would that they should do unto us. For my own part I failed at the time to understand what part the Confederates bore in the application of that golden rule, but still it had a great effect upon the House. I wonder if the hon. and learned Gentleman thinks that that practice of Christian love, however estimable and admirable, can be applied in a one-sided and partial manner without exposing us to awkward misconstructions. If a man runs away in battle his conduct may be interpreted in various ways. You may say, taking a vulgar view of it, he runs away because he is afraid; or you may take a charitable view, and say he runs away because he is actuated by a profound conviction of the horrors of war; or you may say he has a Christian appreciation of doing to his neighbour as he would that his neighbour should do unto him. But it will always be necessary, if you are inclined to examine whether his peculiar conduct is to be accounted for upon one theory or the other, to see what he does when he deals with an adversary weaker than himself. If you find that he has no scruples about kicking the lesser antagonist, then you may fairly come to the conclusion that all his professions of moderation and humanity are simply disguises for his terror of a powerful opponent. Such, I am afraid, is the kind of criticism to which the policy of Her Majesty's Government in this and other matters is exposing us abroad. Our character among foreign nations is rapidly declining. There is a fearful contrast between the conduct of the Government towards the strong and their conduct towards the weak. Unlimited ferocity in the East, unlimited humiliation in the West—such is the simple programme of the policy of Her Majesty's Ministers. I do not think that the British people will very long endure the humiliation through which the policy of the Government is dragging them. This case and that case may perhaps be overlooked, but if I am not greatly mistaken a bitter feeling of indignation is arising and spreading every day. If the conduct of the Government is not more in conformity with the generous instincts of a people whose principle it is to show boldness towards the strong and tenderness towards the weak—I venture to say there will be an outbreak of indignation that will hurry us into some war far more disastrous than those which Government are seeking in so humiliating a manner to avoid.

Colonel SYKES said, that Mr. Gray, the unfortunate chief mate of the *Saxon*, who was murdered by Lieutenant Donoghan, of the *Vanderbilt*, belonged to a family in his constituency, and his death had left his wife and infant children destitute. The sorrowing relatives had forwarded to him a copy of the *South African Advertiser*, dated the 19th December, 1863, containing the sworn depositions of the master and several of the able seamen of the barque *Saxon*, taken before the resident magistrate of Cape Town, on the 2nd December, 1863. It appeared that that vessel arrived at Angra Pequina Island on the 16th of October, spent eleven days there in getting ready for sea, and then took in her cargo, which consisted not of contraband of war, but of skins and wool. On the 30th October she was just about to weigh anchor when a vessel appeared in the offing, and an armed boat's crew came on board, under the command of one of the lieutenants of the Federal American ship of war *Vanderbilt.* The officer demanded the captain's papers, which, after some demur, were given, and then returned to his ship, leaving his men on board the barque. Soon after, another boat's crew, also armed, boarded the *Saxon.* A junior officer, named Donoghan, accompanied the party. The crew were driven below, and Captain Shephard was sent below to his own cabin, and a sentry posted at the door. He came up again, but was once more ordered down. What followed was told in the depositions of Horace Carew, able seaman, one of the *Saxon* crew, who swore—

> "Captain Shephard then went aft, and it was then I saw Mr. Donoghan standing in the break of the poop, with several of his own men near him. Mr. Gray was half-way up the ladder, when he was ordered down by Mr. Donoghan. I was distant about six or eight yards from them. Mr. Donoghan said 'Go down.' Mr. Gray did not answer or do anything, when the officer repeated the order for him to go down, adding, 'or I will shoot you.' Mr. Gray at the time was facing him, when the officer pushed him on the right shoulder with his left hand, and Mr. Gray stumbled and tried to recover himself, and, as he turned his face towards the officer, he (that is the latter) drew a revolver and shot him."

The Captain (Shephard) states, that the bullet struck Mr. Gray in the back of the neck, so that the unfortunate man was not presenting his front to his murderer when this most wanton and atrocious act was committed. Mr. Gray was unarmed, and so also were the other men of the *Saxon.* Captain Baldwin of the *Vanderbilt* ordered Captain Shephard to come on board; but he did not at first allude to the death of Mr. Gray; subsequently, however, he expressed his regret at it, but no man with the common feelings of humanity could do otherwise. One of the officers said, the murderer was under arrest. There was a sad want of courtesy, to say the least of it, in the Americans not permitting any of the crew of the *Saxon* to follow the body of their deceased countryman when it was carried on shore for burial. An officer of the *Vanderbilt* took charge of the funeral, but the second mate of the *Saxon* slipped into the boat in the dark, and, in spite of the prohibition, accompanied the body. He (Colonel Sykes) received from Mr. Gray's relatives in Aberdeen a letter acquainting him with the grievous loss which the family had sustained, and putting forward a claim for redress and recompense. That letter he immediately forwarded to the Foreign Office, and Earl Russell, with a promptitude which did him honour, sent an answer the next day, stating that if the depositions of the master and men of the *Saxon* were correct, wilful murder had been committed, and that the murderer ought to be brought to trial forthwith. The noble Lord added that the matter had already received the notice of the Government, that the Law Officers of the Crown had been consulted, and that a despatch, based on their opinion, had been sent to Mr. Seward. Mr. Gray's relatives had expressed their gratitude to Earl Russell for his prompt attention to the case; and he was satisfied that the Government would do all they could, not only to bring the murderer to trial, and, if convicted, to secure his execution, but also to obtain recompense for the destitute and suffering family of the unfortunate man.

SIR JAMES ELPHINSTONE observed, that Angra Pequina, the island which the *Saxon* had visited, was one of several spots along the South Coast of Africa, where various commodities, such as oil, wool, &c., were stored up, while waiting to be conveyed to the Cape. Having arrived in that position, the master proceeded to clean and paint his ship, in which operation he was occupied eleven days. The fact showed that he had no reason for concealment; as if any of his cargo had been contraband of war, the captain would have been only too anxious to get away as soon as possible. Part of his crew were on shore when the *Vanderbilt* came in sight. A large party of armed men were sent on board, although the crew of the *Saxon* had no arms whatever, and might have been kept under control by two or three men with cutlasses. The Americans were armed with cutlasses and revolvers, and were described as a most savage set of men. In the depositions taken at the Cape, Lieutenant Donoghan was stated to be in a very excited state, which probably meant that he was drunk. The master of the *Saxon* was sent below, and when the chief mate was going on to the raised quarter-deck to speak to the lieutenant, the latter pushed him back by the shoulder. By an instinctive movement the mate endeavoured to right himself, and as he turned round Lieutenant Donoghan shot him through tho neck dead. Captain Baldwin and the other two lieutenants of the *Vanderbilt* expressed their regret, and it appeared that the officer who committed the murder expressed his regret also. The remark made by some of the *Vanderbilt* men was that Lieutenant Donoghan was a good shot with the revolver, but was somewhat hasty. What was the subsequent conduct of Captain Baldwin? He would not only not permit the crew of the *Saxon* to bury their own comrade, but it did not appear that he ever placed Lieutenant Donoghan under arrest. That fact alone showed that Captain Baldwin, instead of being a bland officer of the Chesterfield school, as he had been represented by the Attorney General, was neither more nor less than an accomplice. It appeared, moreover, that he did not hesitate to violate the usages of civilized warfare by sending the crew of the *Saxon* to an island where they had to undergo great hardships before they were able to procure food and shelter. Under these circumstances, it could not be said that Her Majesty's Government had made proper representations to the Federal authorities. In fact, their conduct—and in this he believed he was expressing the general feeling both in that House and out of doors—was the conduct of a bully to the weak and of a coward to the strong. He would remind them, however, that in former times the captain of a British merchantman had appeared at the bar of that House with his ears in his hands, he having been denuded of them by pirates on the Spanish Main; but although they were repudiated by the Spanish Government, the atrocities committed led to a war in which the honour of England was fully vindicated.

MR. CAVENDISH BENTINCK said, he would not have ventured to intrude any observations of his own upon the attention of the House had he not felt, especially after the remarks of the Attorney General, that a little more discussion was required. He would remind hon. Members that last year, when the case of the *Springbok* was brought forward, the Government did everything in their power to stifle debate. The noble Lord at the head of the Foreign Office expressed his indignation that the point should have been raised at all; the hon. and learned Attorney General expressed his belief that the mention of the subject was premature; and the hon. Member for the City of London lent the weight of his commercial experience in recommending delay, and expressing his confidence in the noble Lord at the head of the Government. A year had passed away, and it was impossible to say that the facts were better known, or that greater confidence was felt in the administration of the law in the American courts. He had taken the trouble to ascertain the circumstances under which the *Springbok* had been seized, and could give his hon. and learned Friend a little information on the point; for although he had cited the printed copy of the judgment, his perusal of that judgment must have been very cursory. The *Springbok* was chartered by a merchant in London in the usual way through a broker, to carry a cargo of lawful merchandise from Liverpool to Nassau, at the rate of 25*s.* per ton. As the cargo consisted of lawful merchandise the owner was compelled to carry it. His position, consequently, was a very hard one, for while under a legal liability to carry the cargo, both ship and merchandise were seized by the Americans. The case involved two questions—first, the seizure of the ship, and next the seizure of the cargo. Not a single remark had been made by the Attorney General upon the condemnation of the ship. His hon. and learned Friend had correctly cited an extract from the judgment with regard to the seizure of the cargo, and had also referred to Lord Stowell's decision in the case of the *Thomyris*, which was, however, distinguishable from the present case; but he quite forgot, that, in another place, the case of the *Springbok* had been discussed during the last Session, and that the Foreign Secretary had stated that, a vessel going to Nassau, intending afterwards to make another voyage, could not legally be captured on her way thither; and that statement was immediately confirmed by a great legal authority, Lord Cranworth.

THE ATTORNEY GENERAL said, he quite concurred in that opinion.

MR. CAVENDISH BENTINCK: Lord Cranworth, after citing a leading decision of Lord Stowell, declared that a neutral vessel carrying contraband of war could not legally be stopped on her way to a neutral port, whatever might be her subsequent destination. But in spite of that authority, his hon. and learned Friend had quoted with approbation the decision of Judge Betts, who said—

> "I am entirely satisfied, from all the evidence in the case, that the cargo of the *Springbok* was intended to be delivered in the enemy's country, by transhipment at Nassau."

Thus it appeared that Judge Betts himself—that great authority—admitted that the cargo and ship were bound for a neutral port, and that that neutral port was the *bonâ fide* destination of the ship. But that was not all. His hon. and learned Friend would never contend that contraband of war would condemn a ship if the owner was innocent. But Judge Betts further said—

> "The court is of opinion that, under all the circumstances disclosed, the vessel must be held to have been carrying on the unlawful enterprise of transporting contraband articles on their way to the enemy's country, and that her owners are responsible for the unlawful transportation of the contraband articles and for the acts of the master to such an extent as to justify the condemnation of the vessel."

According to that doctrine, for which no valid reasons were given, the Federal cruisers might seize vessels going from Liverpool to Scotland, from Holyhead to Dublin, or elsewhere. As an additional reason for the confiscation of the ship and cargo Judge Betts said that—

> "The failure of the master of the ship to demand and carry with him full and clear invoices, containing full particulars of his cargo, was a deliberate one, because he says (Int. 31) that the invoices were to be sent to Nassau by mail steamer, thus showing that he knew of the existence of invoices of the cargo; and that he declares his ignorance of the contents of the cargo, or that there were any goods contraband of war on board—an ignorance which the Court cannot, under the circumstances, regard as a real ignorance, and which, if it were a real ignorance, is inexcusable on the part of a master in time of war. The conclusion is irresistible, that the master was carrying this cargo, composed, in part, of contraband articles, under false papers."

Now he (Mr. Cavendish Bentinck) was informed, that in sailing vessels it was unusual to send invoices, and that they were invariably sent by post and were not placed in the hands of the captain. The hon. and learned Gentlemen had dwelt upon the right of appeal, but that right was but cold comfort; for although the vessel was captured in February, 1862, there was no chance of the appeal being heard by the Supreme court before December, 1864. Thus the American Government could stop our commerce by seizing our ships and hanging up the litigation in each case for a period of eighteen months, or more. Moreover, Federal Judges were not like English Judges; although many of them were high-minded and learned men, yet for the most part they went out with the Government. These inferior Judges might have a bias, therefore, to the prejudice of British subjects, and with regard to their decisions Her Majesty's Government might make some further representations. He felt compelled to make these observations, because unless some pressure were put upon the noble Lord the Prime Minister, no justice would be done to British subjects. The noble Lord was a brave man against a feeble adversary. If he had to face a Greek or a Neapolitan his courage was enormous—he would execute severe reprisals against Brazil; he would levy war upon the defenceless Chinese or Japanese; but the moment he was placed in front of an antagonist whose physical or moral strength was in the least degree formidable, he shrank from the contest, and left the injured British subject to obtain his remedy as best he could. Any Gentleman who had ever experienced the misfortune to urge in that House the claims of a British subject, could testify to the truth of these remarks. The noble Lord was sometimes afraid even of an Italian. But when he had to meet "the great Abraham," "he bent low, and in a bondman's key, with bated breath and whispering humbleness," said, "Fair Sir, you spit on me on Wednesday last; you spurned me such a day, and for these courtesies I now obey your bidding." He (Mr. Cavendish Bentinck) trusted the House and the country would call on the noble Lord to vindicate those rights and privileges to which Englishmen were entitled.

Mr. CRAWFORD said, he did not propose to enter into the general question. He merely wished to correct an error into which the hon. and gallant Member for Portsmouth had fallen. The hon. and gallant Gentleman said he should have expected that the man Donoghan, who shot Gray, the mate of the *Saxon*, would have been placed under arrest. But if he had read the depositions carefully he would have found this passage in the evidence of one of the witnesses:—"I asked the officer on board where Donoghan was, and was told that he was under arrest." That was a sufficient answer to the hon. and gallant Gentleman's observation, and showed that assertions of that kind made in that House ought to be received with great caution; because when it could be shown that one inaccurate statement had been made, accompanied by a very strong expression of feeling, some distrust might fairly be entertained as to the correctness of other statements thus put forward. The hon. Gentleman who spoke last had raised a question as to whether the invoices were sent on with the vessels, and stated that he was informed they generally were not. He might on that point tell the hon. Gentleman that his own experience was entirely the reverse of that, and that the invoices usually were sent on with the vessels. He wished next to notice an observation from the noble Lord the Member for Stamford. The noble Lord said he was sure that the mercantile community would not be satisfied with the ingenious statement of the learned Attorney General. Now, he did not know what authority the noble Lord had to speak for the mercantile community, but he would tell the noble Lord that he was not the person to whom the mercantile community would give their confidence or ask to represent their feelings. The manner in which he dealt with these questions in that House was not such as entitled him to such confidence. When allusion was made to the opinion of the mercantile community, it was necessary to ask whether those who professed to express that opinion were in favour of a forcible intervention on the American continent. Those of the mercantile community who favoured the contraband trade, and who were opposed to the Federal Government exercising the powers which justly belonged to it, would naturally be extremely dissatisfied with the statement of the learned Attorney General. On the other hand, those who were adverse to the contraband trade, and who would be sorry to see the British Government interfere in any way with the American contest, were perfectly satisfied with the mode in which these exceedingly intricate, difficult, and embarrassing questions were dealt with by Her Majesty's Government. They did not expect their Government to take up every case with hot haste and to demand instant satisfaction, or threaten reprisals, without any examination of its merits. They saw in the American Government a Government entitled to respect. The United States were governed by laws similar in many respects to our own; they were governed by men of education, by men as well qualified to give expression to right feelings and sound opinions as any others; and, therefore, when he heard it stated that our Government were not regarding their duty because they did not force on matters to an immediate, hasty decision; because they did not put an undue pressure upon the American Government, he said he could not concur in that opinion; and in that he believed he correctly expressed the feelings of the mercantile community, if not of the country, at least of the City of London.

LORD JOHN MANNERS said, that, coupling the observations which had just fallen from the hon. Gentleman who sat immediately behind Her Majesty's Government with those made by the learned Attorney General, the House of Commons on that occasion seemed to him to be assisting at the funeral rites and final internment of that celebrated historical personage the "*Civis Romanus.*" When he recollected how the noble Lord had once promised that an Englishman, wherever he went, should be as safe as the ancient Roman, who cried, "*Civis Romanus sum,*" he owned that he had listened with pain to the statement of the learned Attorney General, in which he told them that the American captain had done all that could have been expected of him, and had expressed regret at the barbarous murder, by one of his officers, of an inoffensive Englishman. The hon. Gentleman opposite (Mr. Crawford), who claimed—he knew not how rightly—to represent that great body the English mercantile community, endorsed every word and every action on the part of the English Government, and looked with undiminished confidence upon the conduct of the Federal Government of America. The hon. Gentleman was not very polite in the observations he addressed to his noble Friend the Member for Stamford (Lord Robert Cecil), whose opinions, expressed so eloquently that night, he was inclined to think would make far more way in the mind of the English people than those just uttered by the hon. Gentleman. The hon. Member had told his noble Friend that he had no claim to and could not be supposed to enjoy the confidence of the English mercantile community. Might he express the hope that the hon. Gentleman, sitting as he did immediately behind the Government, and on all occasions, as far as he knew, sympathising with them and voting in their favour, did not represent the opinions or the sentiments of the English mercantile community? The learned Attorney General had given reasons why the papers moved for by his hon. Friend (Mr. Seymour FitzGerald) should not be produced. The hon. Gentleman who spoke last was quite wrong if he supposed that his hon. Friend had made any defence of the merchants who might be engaged in contraband proceedings; all his hon. Friend had asked for was the production of papers which would show to the House and the country how Her Majesty's Government had discharged one of the most important of the functions which devolved upon them at that moment. The learned Attorney General had said, that in his opinion it would be inconvenient for the public service—nay, in one instance, prejudicial to the English claimants themselves, if these papers were produced. But with respect to the first case mentioned by his hon. Friend—namely, that of the *Margaret and Jessie*, he understood from the Attorney General that all the papers were complete but the final answer of the American Government. In many other instances of a similar kind, however, the papers were given to them in detail. They had had, he forgot how many, papers presented on the subject of the *Alabama;* and he thought it would be satisfactory if—in the case of the *Margaret and Jessie*, at all events—the papers which were complete should be submitted to the House without delay. His noble Friend (Lord Robert Cecil,) had pointed out the bad impression being created in the public mind at home from the apparent—he was quite prepared to believe it was not real—want of earnestness on the part of Her Majesty's Government in pressing that grievous case on the attention of the American Government. But, in addition to the feeling which was gradually increasing in England, they ought not to shut out from their consideration the feeling which must prevail in our colonial dependencies which had been the scenes of these outrages. Taking the case of the *Margaret and Jessie*, it was known that as far back as June last the most pressing representations were addressed to Her Majesty's Government by the Governor of the Bahamas on that subject. What was the first notice taken by the Government of that most serious case? In answer to a question put in the other House by a noble Lord who supported the policy of the Government, Earl Russell said that the Governor of the Bahamas "had not mentioned the circumstances of the case from his own knowledge; he only said that there was a report to that effect." Why at the time that Earl Russell made that statement he was informed—and from what they had heard from the Attorney General it was evident—that the British Government were in possession of no less than thirteen duly-signed declarations narrating the whole facts of the case. And, more than that, he was prepared to state that at the moment when Earl Russell gave that answer Her Majesty's Government were in possession not only of all those declarations, but also of the fragments of a shell which had been fired on the Island of Eleuthera. There was a feeling growing up in the Colonies that the English Government were not as energetic as they ought to be in repelling these outrages; and English naval officers, from some reason or other, did not appear to those who witnessed their operations to be animated by that earnest spirit in checking such acts which their colonial fellow-subjects expected would be manifested in accordance with the terms of the Queen's proclamation. He should like to know whether any instructions subsequent to the issue of the Queen's proclamation had been sent to the Admiral or senior officer on the station of the Bahamas, that might afford inducement to officers not to prevent Federal men-of-war anchoring there, as it was understood they were prohibited from doing under the Queen's proclamation. No one could be surprised that an uneasy feeling had grown up in our colonial dependencies, and he entirely agreed in all that had fallen from his noble Friend the Member for Stamford (Lord Robert Cecil), in his vigorous, manly, and energetic speech, with regard to the tone in which the learned Attorney General had dealt with the subject.

Mr. BENTINCK said, he quite agreed with the hon. Member for London (Mr. Crawford) that it was the duty of the Government to deal with the affairs of the kind under consideration with the greatest possible circumspection and deliberation: but he could not agree in the eulogy that the hon. Member had passed on the general conduct of the Federal Government, nor did he believe that eulogy would be endorsed by the opinion of the country. He would go further, and say, that judging from what they had seen on various occasions of the conduct and disposition of that Government, they had no right to put implicit faith that cases such as they were then discussing would be dealt with by that Government in the spirit with which they ought to be. It was, therefore, the more incumbent on that House to express strongly the opinions they entertained on the subject. He agreed with his noble Friend the Member for Stamford, that a strong impression was rapidly growing in the country, that the national honour was not always maintained, and that they were too much in the habit of truckling to the strong and bullying the weak. He had listened with great pleasure to the hon. Member for Horsham and the noble Lord the Member for Stamford, because from what they had said he had good reason to hope that they would not be found siding with an opinion which had been expressed on both sides of the House, that our armaments should be still further reduced, and he hoped to have their support at least in maintaining at their fullest efficiency the armaments of this country. He could not agree with the hon. and gallant Member for Portsmouth in thinking that the blame attaching—he would not say to the injured honour of this country, but he might say—to the sullied honour of the country, entirely rested with the present or any former Government. He thought that a portion of that blame ought to be shared by the House of Commons. It was quite clear that the honour of the country could not be maintained by words. It had been said during the Session, and he thought with great truth, that the country had been brought into discredit by uttering threats which she was not in a position to carry out. How did that opinion bear on the subject they were then discussing? Assuming that the honour of the country had been assailed by the Federal or any Government in Europe, he would ask the House of Commons how they proposed to meet the insult? Were they to meet it by a reduction of armaments? Were they, by a reduction of the naval and military forces, to place the country in a position in which she would be unable to maintain her honour both by sea and land? They had already learned from the noble Lord at the head of the Government, that a reduction of some sort was about to be made in our military armaments; and, as far as could be gathered from public rumour, it was not intended to propose any increase in the naval armaments. He wished to know whether, under those circumstances, the House of Commons would not be much to blame if the honour of the country were not properly maintained. He would be told that an increase in the estimates could not originate in that House; it must be proposed by the Government. But he would appeal to any Member of that House whether of late years estimates had not been framed much more with a view to popularity than to practical utility, having regard to expediency rather than to the demands of the country. The Government would propose an increase in the Army and Navy Estimates if they were sure of the cordial support of the majority of the House of Commons. So long as reduced estimates were popular in that House so long would the Government continue to frame the estimates for popularity and not for utility. It should be remembered that it was only by strong armaments that the honour of this country could be maintained. Let, then, his hon. Friends who agreed with him in this opinion exert themselves to maintain strong armaments, which were the best means of upholding the honour of the country. Let them do this, or have the discretion to hold their tongue.

VISCOUNT PALMERSTON: I hope after the discussion which has taken place, the hon. Member for Horsham will not press for these papers. The greater part of the papers for which he has moved relate to questions of law still pending, or questions under discussion between the two Governments; and, as was stated by my hon. and learned Friend the Attorney General, injury even to the parties concerned would arise in some cases from the premature production of the papers moved for. We have heard this evening the cuckoo cry frequently urged in this House by those who like general assertions better than particular proof, that Her Majesty's Government are in the habit of bullying the weak and truckling to the strong. I entirely deny that assertion. The Government are anxious on all occasions to assert the rights and vindicate the honour of the country, whatever be the method we adopt to accomplish these objects. I think it right, however, to state with regard to the Government of the United States—what has indeed been already stated by my hon. and learned Friend the Attorney General—that we have no reason to mistrust the equity and independence of the tribunals of the United States which have to try questions such as those now under discussion; and it is but due to the Government of the United States to say, that they have invariably received our representations in a spirit of respect, equity, and justice. And in proof of this — to show that, when we had a strong case of remonstrance, justice has been done to us by the United States, I need only refer to the case of the *Trent*, in which the Government of the United States very handsomely and properly did justice to the demands we made, and the rights they did not deny. Therefore, I think it is prejudicial to the good understanding between the two Governments, which are on good terms, that we should here accuse a foreign Government of that of which it is not guilty, and express mistrust of their equity and fairness when nothing has occurred to justify us in making these imputations. I think it only right, in regard to the tribunals and Government of the United States, to declare that such accusations are not just, and that nothing has occurred to warrant them.

LORD LOVAINE said, he wished to point out to the noble Lord that his reference to the case of the *Trent* was not a very happy one. The manner in which the Federal Government had acted did not give one a very high opinion of their equity or courtesy. In giving up those persons whom they had illegally seized, they said the men were not worth quarrelling about, and they gave them up accordingly.

SIR JOHN WALSH said, he thought the House was indebted to the hon. Member for Horsham for having brought so important a subject under its notice. But, at the same time, his hon. Friend was too good a Parliamentary tactician to think of pressing his Motion to a division after the speech of the noble Lord, and the skilful and adroit statement of the Attorney General, that the production of the papers would be prejudicial not only to the Government but to the individuals specially concerned. He wished, however, to call the attention of the Government and of the House to the fact that, in relation to the *Saxon*, there were two totally different questions involved. As he understood the case, that vessel had been seized under extraordinary and suspicious circumstances, and had been taken from the vicinity of the Cape of Good Hope to New York for adjudication as a lawful prize. The Attorney General had said that the House ought not to discuss that part of the case, as it might prejudice the *Saxon* and her owners, and that it was not proper to anticipate legal decisions by relying upon *ex parte* information. That might be conceded, but the seizure of the vessel and the murder of the mate were two different questions. If the *Saxon* had broken the blockade, or committed any other marine delinquency, those were merely civil questions to be tried in the civil courts, but it was different with respect to the murder. Let them wait, if it was thought most proper to do so, until the cautious procrastinating proceedings in the Prize Courts had exhausted themselves, so far as the question of maritime rights was concerned; but let them not unnecessarily wait one day or one hour before claiming full satisfaction for the murder of a British subject. He understood that that murder was committed in the middle of the month of October last, and, therefore, there had been ample time for all the information to arrive in this country, and for proper representations to have been made to the American Government, and for that Government to have taken some steps in the matter. The information which he wished to elicit from the Government was, not only whether they had made any strong representation to the United States' Government, but also whether they had received any official information that the American Government had taken any steps in consequence. There could be no valid excuse for delay when the murder of a British subject was alleged, and it was the duty of the British Government to demand and of the American Government to institute the promptest measures to investigate the charge.

THE SOLICITOR GENERAL said, he entirely agreed with the hon. Baronet that the capture or condemnation of the vessel was a totally different question from that of the murder of the mate. The one was a question to be dealt with by the Prize Courts, but the other was a criminal offence. It was an offence, too—if the information they had received were true — of great enormity. True it was that the officer said it was an accident, but that was an explanation which it was difficult to reconcile with the statements that were made by others. In order to set the hon. Baronet right upon the question, he could assure him that there had been no delay on the part of the Government in making the necessary representation. He could not at the moment give the precise date of the supposed murder, but the first information of it which was received by the Attorney General and himself was about three weeks since. They had lost no time in advising the Government that a demand should be made upon the Government of the United States that the offender should be put upon his trial. There had not yet been time to receive an answer to that demand, but it was expected by the next mail. He trusted that the hon. Baronet and the House would see that no time had been lost, and that the Government had made the only representation to the United States Government which they could make. He confessed he was surprised to hear the noble Lord the Member for Stamford (Lord Robert Cecil) say that this country was eternally disgraced and humiliated because the Government had merely required that a supposed murderer should be brought to trial. He had waited to hear what it was the noble Lord would suggest ought to have been done to save the honour of the country. If the Government had received the benefit of the advice of the noble Lord, it was difficult to understand what stronger course he would have recommended than that which had been pursued, unless, indeed, a demand that the accused should be hanged without a trial. Or perhaps the noble Lord who referred to Kagosima would recommend an immediate bombardment of New York. Such would appear to be the character of the counsels which the noble Lord would offer to a Government unfortunate enough to have him for an adviser.

MR. MALINS said, he much rejoiced to hear the statement of the Solicitor General, as it relieved the House from the doubt which had been created by the speech of the Attorney General. There was so marked a distinction between a question of prize capture for contraband of war and the murder of a British subject, that the House felt disappointed at the want of decision in the expressions of the Attorney General upon that subject. They were now told that a pointed demand for the trial of the accused officer had been made, but the Attorney General left it to be assumed that the Government had been satisfied with expressions of regret.

THE ATTORNEY GENERAL said, he would beg leave to explain. He wished to remind the House that he distinctly stated the Government had demanded that the officer should be put upon his trial.

MR. MALINS said, he had failed to catch any such decisive statement in the hon. and learned Gentleman's speech, but he was glad to find that such a demand had been made. When a murder of a British subject had been committed on board a British ship, the boarding of which seemed to be without excuse, if no prompt steps were taken by the Government, it would lend cogency to the imputation that our policy was to coerce the weak, but to submit to the strong. It was, therefore, satisfactory to hear that a proper demand for redress had been made upon the United States' Government. With respect to the seizures of vessels for breach of blockade, he was not inclined to disagree with the Attorney General, that it would be proper to await the decisions of the Prize Courts; and until we had reason to suspect them of injustice or unfairness, which was not the case at present, their decisions must be accepted.

MR. SEYMOUR FITZGERALD said, he wished to say one word by way of explanation. The noble Lord seemed to think that he had moved for those papers with the view of casting blame upon the American Government. But he had expressly guarded himself against being actuated by that motive, and he had stated that his only object was to obtain information with respect to the course which had been pursued by the Government of Her Majesty. He would not, under the circumstances, proceed further with the matter. But he would reserve to himself the right to bring the case of the *Saxon* again before the House, in case he should find that steps had not been taken for its satisfactory settlement.

Amendment, by leave, *withdrawn.*

THEATRES (PRECAUTIONS AGAINST FIRE).—QUESTION.

SIR WILLIAM FRASER rose to call attention to the insufficiency of means of egress from Theatres in case of fire or sudden alarm. Theatres were not the only public buildings in which greater precautions were required against the dangers to which the public were exposed from the difficulty of escape in case of fire; but Churches were under the control of the churchwardens, and other public buildings in the metropolis were subject to the licence of the magistrates. He, therefore, confined his question to theatres. Those structures had been placed under the authority of the Lord Chamberlain, by the 6 & 7 *Vict.* c. 68. Under the terms of the Act, the power of the Lord Chamberlain seemed to be hardly sufficient to provide for the public safety. One need not be an architect or surveyor to see the dangerous condition of some of the London theatres with regard to egress. All were not equally bad, but in several — though it would not be fair to mention them by name— there was no chance whatever for the great bulk of the audience if the interior suddenly caught fire, or if there was an alarm of fire. It was said that there were other doors than those by which the public ordinarily entered. But the public did not know where these doors were, and would rush to that by which they had been admitted; and then what chance would 400 persons have of escaping through a door which would only admit one at a time? It was easy to say that the public themselves created the danger by their want of presence of mind and by panic. These were plausible common-places, but they were not arguments which would stand. Once at least in every generation here a theatre was destroyed by fire. Last winter at Rome he saw one burned down in an incredibly short period of time, but fortunately, as at Covent Garden, the theatre was empty. He did not wish to say a word against the rights, privileges, and emoluments of actors. They were some of the most excellent citizens we possessed; and the wretched old prejudices—the offspring of envy and ignorance—which once existed against them had long since disappeared. He believed that if they searched the records of the Courts of Justice for the last 100 years, the name of an actor would not be found. He was not aware of any other profession of which that could be said. These matters had always been considered by Governments: Napoleon had signed the regulations of the Grand Opera at Paris amid the flames of Moscow; and the *Moniteur* of January 22, 1792, contained a theatrical notice, although it omitted as unimportant the fact that the King of France was beheaded the day before. It was estimated that as many as 1,500,000 persons now visited the London theatres in the course of the year, and the safety of their lives was surely well worth consideration by that House. He would, therefore, ask the Home Secretary, Whether he regarded the present state of the metropolitan theatres as satisfactory; whether he regarded the present state of the law affecting them as satisfactory; and whether he proposed any alteration in the law?

Sir GEORGE GREY said, that the Question of the hon. Gentleman, as it stood upon the Paper, was "Whether the Lord Chamberlain would grant licences to theatres in which no adequate provision was made for escape in case of fire?" Now it was most desirable that improved means of egress in case of fire or alarm of fire should be provided in public buildings of every kind, including churches. Theatres were of course, more exposed to risk of fire than churches were; and the Act to which the hon. Baronet had referred gave the Lord Chamberlain power to withhold the licence of any theatre in which he did not think the precautions taken for the safety of the public were sufficient. In 1853 the Lord Chamberlain required that every manager should furnish a certificate from an architect as to the safety of the structure and the means of egress. Two years afterwards that was not thought enough, and the Lord Chamberlain, before the annual renewal of the licence, required that an inspection of the whole building by one of his own officers accompanied by an architect or surveyor should take place, and that they should furnish a written report upon various matters connected with the theatre, and especially as to the means of egress, and the precautions taken against fire. Communications were made to the managers in every case in which the Lord Chamberlain inferred from the report thus supplied to him that sufficient precautions were not taken; and the effect of these communications and of the regulations enforced was, that a great improvement nad taken place, and the safety of the public was much better provided for than it had been. At that moment, he believed, the means of egress from theatres were much more complete than those in any other public buildings to which people resorted in large numbers, and one important point was that the doors all opened outwards, or were swing doors, which would open either way. The Lord Chamberlain stated that a difficulty had arisen owing to the very narrow frontage possessed by many of the old theatres, which prevented adequate openings on each side which would facilitate the object desired. With regard to new theatres, however, a plan was now always submitted to and approved by him before he would grant a licence, and one of the chief requisites laid down in such cases was the provision of adequate means of egress. The Lord Chamberlain had also discontinued the granting of occasional licences for the performance of stage plays in buildings which, not having the regular stage appliances, exposed an audience to greater risk than the regular theatres. The House might rest assured that the attention of the Lord Chamberlain would continue to be directed to this important subject, and he hoped that ultimately there would be little cause of complaint respecting it.

Subject dropped.

POLAND.

DESPATCH OF SEPTEMBER, 1863.

QUESTION.

MR. HENNESSY said, he rose to ask a Question respecting an important despatch which was sent during last autumn to Russia on the subject of Poland. On the first night of the Session the Under Secretary of State expressed a doubt whether he (Mr. Hennessy) was right in stating that a despatch was sent to Prince Gortschakoff last autumn, and was subsequently recalled and altered. Since then the correspondence relating to Poland had been published. It contained practically three despatches — the first from Earl Russell to Lord Napier, dated August 11, 1863; Prince Gortschakoff's reply to Baron Brunow, dated August 26; and the third from Earl Russell to Lord Napier, dated October 20. The despatch of the 20th of October was the one which he alleged was sent in the month of September, and which, after being signed by the Secretary of State and approved by the Queen and Cabinet, was recalled by telegram, in order that an important sentence might be struck out of it. In the first paragraph of the despatch of the 20th of October, reference was made to a prior despatch of Earl Russell on the 11th ultimo. But the despatch referred to was dated the 11th of August, and therefore he inferred that when the despatch had had the sentence struck out and had been redated, the alteration from the 11th ultimo which was correct when the despatch was dated in September, was not made, as it should have been, to the 11th of August. That showed that he was probably correct in his statement that the despatch of September was recalled and redated. He believed there was no doubt about it, and he was inclined to think that Her Majesty's Government would admit that his statement was correct as to what had happened to the despatch. On the 26th of September Earl Russell made an important declaration at Blairgowrie. The purport of that declaration was immediately conveyed to Prince Gortschakoff by telegraph, and Lord Napier subsequently informed Prince Gortschakoff that a despatch embodying the declaration was on its way to St. Petersburg, and was to be presented to the Russian Government. He (Mr. Hennessy) was informed that Prince Gortschakoff advised Lord Napier not to present that despatch. He believed that Prince Gortschakoff was able to strengthen that advice by appealing to two other countries, and that Herr von Bismark and Count Rechberg both advised the withdrawal of the despatch. However that might be, the attention of the Russian Government having been roused, a telegram was sent withdrawing it. In order that the House might understand the gravity of the transaction, he would read the declaration of Earl Russell at Blairgowrie, the substance of which was embodied in the despatch. Earl Russell said—

> "At the Treaty of Vienna it was thought fit, and circumstances of expediency perhaps justified what was done, to admit, as it were, into the Law of Nations the State of Poland as divided between the three Powers, and to give a kind of retrospective sanction, as it were, to the partition of Poland. The Powers of Europe became, to use a legal phrase, accessories after the fact. Austria and Prussia complied with the conditions of the treaty. Russia has not complied with them. It seems to me that it was an act of great imprudence on the part of Russia, when she had that great advantage—when she had the act of spoliation and partition condoned, as it were, by Europe—to reject the terms on which that sanction was given; to rest, as she now rests, on the title of the original partition, on the title of conquest; rejecting all those conditions by which at the Treaty of Vienna that title was, as it were, accepted by Europe. What may be the consequences of that act—what conduct the different Powers of Europe may follow—is not a question on which I can properly enter. I merely wish you to remark the fact, that these conditions, which are contained in the Treaty of Vienna, by which Russia obtained the Kingdom of Poland, have not been complied with; and that without the conditions of the tenure the title itself can hardly be upheld."

That was a very important statement, and he asked the attention of the House to the fact that a statement somewhat similar was embodied in a Resolution, notice of which was submitted last Session by his hon. Friend opposite, the Member for Bradford. Furthermore, every one in that House, acting on behalf of Poland, as well as the honourable engagements of England, insisted upon such a declaration being made; and he would venture to remind the House, that on the last day of the Session the last words which he addressed to the noble Lord on the subject were similar to the words used by Earl Russell at Blairgowrie. He was perfectly aware that the noble Lord at the head of the Government differed from Lord Russell, and did not see the importance to the Poles of making that declaration. It was enough that the declaration had been made by Earl Russell, and that the Poles attached immense importance to it. He said that a despatch embodying that declaration, signed by the Secretary of State, sanctioned by the Queen and Cabinet, and sent abroad, was recalled. It was written in the month of September. It was recalled and redated the 20th of October. The despatch, as altered, ended with this sentence—

> "Her Majesty's Government have, in the despatch of the 11th of August and preceding despatches, shown that in regard to this particular question the rights of Poland are contained in the same instrument which constitutes the Emperor of Russia King of Poland.
> "I am, &c., "Russell."

It was a very abrupt ending. The last sentence stated the premise. It did not draw the conclusion. The conclusion was drawn by Earl Russell at Blairgowrie. The conclusion was that Russia having failed to fulfil the conditions of the Treaty of Vienna, England no longer recognized the legitimate rule of Russia in Poland. He wished to ask the noble Lord whether he would give the House the despatch of September in its complete form. He ventured to impress on the noble Lord that the House was bound to consider the policy of the Government as they declared it. It might be true that Prince Gortschakoff advised Lord Napier not to present the despatch, and that the Government withdrew it and struck out the passage. But the people of England wished to know what was the policy and what was the opinion of the Government, and would not be satisfied with the mutilated despatch from which the declaration of the Government was omitted. He would also particularly remind the noble Lord, that in the many petitions which had been laid on the table on the subject of Poland, the petitioners all asked the Government to make the identical declaration which Earl Russell made at Blairgowrie, and he was sure the noble Lord would acknowledge he was right in saying that those who represented the National Government in Poland, and who had from time to time made unofficial communications to the British Government, had over and over again asked for such a declaration. The Poles had never asked for armed aid from England. The representatives of the National Government had over and over again declared that they did not want armed assistance. All they had asked was that England should wash her hands of what was now going on, by making such a declaration. He hoped the noble Lord would give a full and frank explanation on the subject. It was one of great importance to the Poles. It was of pressing and immediate interest to the people of England, and he firmly believed that it was the most important step which had been taken in relation to Poland by any British Cabinet since 1815.

Viscount PALMERSTON: The hon. Gentleman wishes to know, whether a certain despatch which had been prepared and sent to one of our Ministers abroad was altered by the direction of the Secretary of State before it was delivered to the foreign Government for whom it was intended? There have been to my knowledge many such instances. There have been many cases where, upon reconsideration, it has been thought advisable to make some change in a despatch sent to one of our Ministers abroad, and intended for communication to a foreign Government. But I am sure the hon. Gentleman will see it would be exceedingly improper to lay before Parliament that which was not the deliberate act of the British Government. He might as well ask for despatches in the form before they were finally settled by the Secretary of State. That to which the House is entitled is the actual communication made to the Foreign Government, and I must decline to enter into any explanation as to what changes may have been made at any period of time in a despatch intended for a Foreign Government. With regard to the statement of my noble Friend at Blairgowrie, and the applications which the hon. Gentleman says have been made by the Poles, with all deference it does not seem to me that my noble Friend's declaration tallies exactly with what the Poles wish. What the Poles ask for, and what the hon. Member has often asked for, is that we should state to the Russian Government that we consider the stipulations of the Treaty of Vienna no longer binding on them with regard to Poland—that is, that we should say we do not hold by the stipulations of the Treaty of Vienna. Such a statement would release Russia from all the obligations which the Treaty of Vienna imposed on her with regard to the treatment of the Poles. It is quite true that Polish persons with whom I have communicated have always urged that as a most important thing in their interests. It is often said that people are the best judges of their own interests. But here I do not think the Poles are the best judges of their own interests. It would be an important but a fatal communication with regard to the rights on which the Poles stand, because it would be tantamount to saying to the Russian Government, "You no longer hold Poland by a treaty which stipulates that you should do certain things; you hold Poland by the right of conquest;" and it would place the Poles at the mercy of Russia, and beyond the interference of any one as to the manner in which Russia should treat them. It would be placing the Poles in the same position as that in which they stood after the revolt of 1832. When we remonstrated with the Russian Government with respect to their treatment of Poland after the rebellion, they said—

> "Do not talk to us about the Treaty of Vienna; it is at an end. We have reconquered Poland, and you have no right to dictate to us how we should treat our conquered subjects."

We, however, always denied the justice of that position. I have always held that a great step in advance with regard to the treatment of Poland had been made when, last year, the Russian Government were obliged to acknowledge that the Powers of Europe who signed it had a right to make representations to them founded on the Treaty of Vienna. I have, therefore, felt that to comply with the wish of the Poles, that we should release the Russian Government from all the arrangements and stipulations in their favour made by that treaty, would, so far from being advantageous to them, be to deliver them bound hand and foot to the mercy of those from whom they claim that we should endeavour to protect them.

MR. W. E. FORSTER said, he hoped the noble Lord would state, or, if he were prevented by the rules of the House from again speaking, that he would instruct some Member of the Government to state, why it was that the despatch to which his hon. Friend the Member for the King's County referred had been recalled? For his own part, speaking with some knowledge of the feelings of the leading men among the Poles, he could say that there was nothing which had been done within the last year by our Government—scarcely, indeed, anything which had been done by it at all—by which they were more bitterly disappointed than they were at finding the speech of Earl Russell, which they had read with the greatest joy, and from which they derived the greatest consolation, was not justified by events. They did not ask us for armed assistance; still less did they ask us to make diplomatic representations on the ground of the Treaty of Vienna; such representations they regarded as useless. But they said to us, "Now you have an opportunity, by simply acknowledging that you were parties to that treaty, that its conditions have been broken, and that you therefore withdraw your sanction from it, of putting us in our true position before Europe." And the reason why the Poles used that language was, that while they did not ask us to go to war on their behalf, yet they felt it to be of the utmost importance to them that, if a great war broke out in Europe, they should stand in the situation of having the *status quo ante bellum* altered by such a declaration as that which he had mentioned on the part of one of the leading European Powers. They would then, he maintained, stand in a different situation from that in which they were at present placed. The House had, under these circumstances, he thought, a right to know from the Government what it was that occasioned that sudden change in their policy to which his hon. Friend had drawn attention. Was it occasioned by the fact that the noble Viscount did not agree with Earl Russell when the despatch was sent? That he could hardly suppose; but if the despatch did not leave without his full concurrence then he had a right to ask, what were the circumstances which caused the noble Lord, and doubtless Earl Russell also, so suddenly to change their opinions? It was impossible, he contended, to know the position in which England stood in relation to Poland, unless the Government explained those two points, and he trusted therefore that that explanation would be given.

MR. GRANT DUFF said, he rose to express a hope that the hon. Member for the King's County (Mr. Hennessy), who appeared to represent in that House, to a certain extent, the views of the National Government of Poland, would soon furnish the House with an opportunity of pronouncing an opinion on the Polish question. He knew not whether the Poles had or had not a right to hold Earl Russell to the declaration which he made at Blairgowrie; but they had, he thought, a right to know whether England did or did not mean to help them. For his own part, he took quite a different view from that which he understood the hon. Gentleman entertained of the state and prospects of the insurrection in Poland. The hon. Gentleman, if he was correctly informed, believed that the Poles were never stronger than at present; whereas the result of his own observation in Russia and Poland lately led him to the conclusion—and he was much mistaken if he should not be able to prove to the House that that conclusion was a sound one—that the insurrection was nearly worn out, and that every additional day it was prolonged gave Russia an opportunity of crushing still more a country which was sufficiently crushed already. It remained to be seen whether his view or that of the hon. Gentleman was the right one; whether it was desirable that we should go on fostering the insurrection by holding out unfounded hopes, or frankly say that we could do no more.

Main Question put, and *agreed to.*

SUPPLY.

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

COUNTY COURTS (IRELAND) BILL.

Bill to amend the procedure of the County Courts in Ireland.

Bill *presented*, and read 1°. [Bill 12.]

TRESPASS (IRELAND) BILL.

Bill to amend the Law in certain cases relating to Trespasses in pursuit of Game.

Bill *presented*, and read 1°. [Bill 13.]

BANK ACTS (SCOTLAND) BILL.

Resolution *reported*,

"That it is expedient to make provision for replacing the lapsed issue of Bank Notes in Scotland upon payment from time to time of a certain charge in respect thereof."

Resolution *agreed to.*

Bill *ordered* to be brought by Mr. CHANCELLOR of the EXCHEQUER and Mr. PEEL.

Bill *presented*, and read 1°. [Bill 16.]

VESTRY CESS ABOLITION (IRELAND) BILL.

Bill for the Abolition of Vestry Cess in Ireland, and for other purposes relating thereto, *ordered* to be brought in by Sir ROBERT PEEL and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read 1°. [Bill 15.]

TESTS ABOLITION (OXFORD) BILL.

Tests Abolition (Oxford) *considered* in Committee.

(In the Committee.)

Resolved, "That the Chairman be directed to move the House, That leave be given to bring in a Bill to provide for the abolition of certain Tests in connection with Academical Degrees in the University of Oxford."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. DODSON, Mr. GRANT DUFF, and Mr. GOSCHEN.

Bill *presented*, and read 1°. [Bill 18.]

APPEAL IN CRIMINAL CASES ACT AMENDMENT BILL.

Bill to amend an Act of the Session of the eleventh and twelfth years of Her Majesty, chapter seventy-eight, to provide a further Appeal in Criminal Cases, and for the further amendment of the administration of the Criminal Law.

Bill *presented*, and read 1°. [Bill 14.]

ELECTIONS PETITIONS BILL.

Bill to amend the Law relating to Elections Petitions.

Bill *presented*, and read 1°. [Bill 17.]

House adjourned at Eight o'clock to Monday next.

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HOUSE OF LORDS,

Monday, February 15, 1864.

PRIVATE BILLS.

Ordered, That this House will not receive any Petition for a Private Bill after *Tuesday*, the *22nd Day of March* next, unless such Private Bill shall have been approved by the Court of Chancery; nor any Petition for a Private Bill approved by the Court of Chancery after *Thursday*, the *12th Day of May* next.

Ordered, That this House will not receive any Report from the Judges, upon Petitions presented to this House for Private Bills, after *Thursday*, the *12th Day of May* next.

Ordered, That the said Orders be *printed* and *published*, and affixed on the Doors of this House and Westminster Hall. (No. 8.)

RAILWAY SCHEMES (METROPOLIS).

Reports of the Select Committee of last Session on Metropolitan Railway Communication, *referred* to the Select Committee on.

UNITED STATES. — CORRESPONDENCE WITH THE FEDERAL GOVERNMENT. —QUESTION.

EXPLANATION.

EARL RUSSELL: My Lords, the noble Earl opposite (the Earl of Derby) put some questions to me the other evening to which I was not at the time prepared to give an answer. He referred to certain despatches and notes of Mr. Adams, and expressed an opinion that the conduct of Her Majesty's Government had been influenced by those communications. I have since been looking to the dates in relation to the course I had taken in the matter, and I find that so far from the conduct of Her Majesty's Government having been influenced by the notes of Mr. Adams of the 4th or 5th of

September, which did not reach me until a day or two later, I find that on the 3rd of September the decision was taken to detain and prevent the departure of the ironclad rams from Birkenhead. On that day Mr. Layard wrote to the Treasury desiring that they should be stopped. On referring to private letters of my own, I find that I wrote from Scotland to Lord Palmerston on the 3rd of September—

> "The conduct of the gentlemen who have contracted for the ironclads at Birkenhead is so very suspicious that I have thought it necessary to direct that they should be detained."

And on the 4th September I wrote to the noble Lord—

> "The pressing matter, however, is that of the ironclad rams. I have desired they should not be allowed to leave the port of Liverpool."

It is therefore impossible that the course then pursued could be influenced by letters written by Mr. Adams on the 4th and subsequent days. Some reference has been made to the Correspondence presented to the Congress of the United States with reference to the language Mr. Adams was instructed to use in reference to these vessels. Now, with regard to the language used in the correspondence between Mr. Adams and myself, I do not mean to say that if the language had been more intemperate I should at all have desisted from the course which I took. As soon as I had come to the conviction that the ironclads were intended for the Confederates, it appeared to me my duty to take steps to detain them until we could obtain full evidence of their destination. I am quite of the opinion of Mr. Canning, that whatever we do we ought not to sneak into a war; and I thought it my duty to detain the ironclads, believing that they were intended to depart from this country for the purpose of carrying on war against the Federal States. The noble Earl (the Earl of Derby) went much into the question as to what it was my duty to represent to the United States' Government; and although he has not directly charged me, he has insinuated that I failed to take due notice of Mr. Adams's language. In answer to that I beg leave to read some extracts from the papers presented to Congress, which will show the tone of the correspondence. Referring to his letter of the 16th of September, I said to Mr. Adams on the 25th of September—

> "I can assure you that I am not less anxious than yourself that the duties of neutrality should be performed strictly and impartially by the Government of Great Britain. There are, however, passages in your letter of the 16th, as well as in some of your former ones, which so plainly and repeatedly imply an intimation of hostile proceeding towards Great Britain on the part of the Government of the United States, unless steps are taken by Her Majesty's Government which the law does not authorize, or unless the law, which you consider as insufficient, is altered, that I deem it incumbent on me, on behalf of Her Majesty's Government, frankly to state to you that Her Majesty's Government will not be induced by any such consideration either to overstep the limits of the law, or to propose to Parliament any new law which they may not, for reasons of their own, think proper to be adopted. They will not shrink from any consequences of such a decision."—*Correspondence*, No. 5, p. 24,

That was the language which the noble Earl must have read in the papers laid before Congress, but, having access to those Papers, he did not think fit to quote it. Anxious as he was to know what language was used by me after the notes of the 4th or 5th of September, he never reverted to the despatch which I have now read. In return I got a letter from Mr. Adams in the following language:—

> "Legation of the United States, London,
> "Sept. 29, 1863.
>
> "My Lord,—I have the honour to acknowledge the reception of your note of the 25th inst. I shall take pleasure in transmitting a copy to my Government. I must pray your Lordship's pardon if I confess myself at a loss to perceive what portions of my late correspondence could justify the implications to which you refer. So far from intimating 'hostile proceedings towards Great Britain, unless the law, which I consider as insufficient, is altered,' the burden of my argument was to urge a reliance upon the law as sufficient, as well from the past experience of the United States as from the confidence expressed in it by the most eminent authority in the kingdom. Neither do I feel any ground for the other implication. It is very true that I have deeply regretted the supposition that Her Majesty's Government should admit itself powerless to execute any of those obligations which are recognized by the consent of civilized nations as well as the faith of treaties to be binding equally upon all; and I have taken the liberty to point out the consequences which follow that inability, in the absolute necessity imposed upon an aggrieved party to defend itself from the worst of injuries. This is the principle which I have been directed to maintain not from any idea of presenting any form of condition whatever to Her Majesty's Government but from a confident expectation that an address to its sense of right may avail to gain for the United States exactly the same measure of justice which it would expect from that country in return were the respective situations reversed. If in any respect I have appeared to transgress the line of argument here laid down, I pray your Lordship to consider the fault as one not of intention on my part, and not at all belonging to my Government. In transmitting your Lordship's note, without further comment, I shall hope to be able to submit the question in what degree its sentiments may have been in any particular misinterpreted by me. I trust that it is unnecessary for me to

make any assurances to your Lordship of the earnestness with which I have ever striven to maintain to the utmost of my power the relations of amity and goodwill between the two countries.

"I pray your Lordship, &c.

Correspondence, No. 5, p. 25. "C. F. ADAMS."

I will not quote any more, but there was afterwards a despatch from Mr. Seward to Mr. Adams expressing a hope that the relations of the two Governments might be carried on with goodwill on both sides without any misinterpretation of each other's intentions. I consider, therefore, that if there had been any intimation of a threat, that threat has been entirely withdrawn, and that the assurances given to us by the Government of the United States were that they wished to maintain the most friendly relations with us.

THE EARL OF DERBY: My Lords, what has now fallen from the noble Earl only confirms me in the opinion I have already expressed in regard to the refusal of Her Majesty's Government to place before Parliament the Papers which have been already submitted to Congress, and thus compelling us to collect from scraps here and there what has been the course really pursued by Her Majesty's Government. The noble Earl might, I think, have vindicated himself, without charging me—very gratuitously, I think—with having studied those letters which he has read, and deliberately forborne to quote the language which he had really used. The fact is, my Lords, I have never seen or read one word of the letters referred to by the noble Earl. I told your Lordships, I think the other evening, that I would read certain extracts from the Correspondence which had been laid before Congress, which had been published in an evening newspaper; and I also said, I had seen the whole of the Papers laid before Congress, in this country, because I had seen the volume. It is certainly true that I had seen the volume, but I had not read one word of it. Therefore, the charge made against me of having read and abstained from quoting language used by the noble Earl, is utterly inconsistent with the facts. I find now that the tone of the noble Earl's Correspondence, so far as the extract with which he has favoured us goes, is more becoming his position and more satisfactory than that which appears in the Papers laid before the House. But there is one point upon which I should wish to receive some little explanation from the noble Earl. The noble Earl states, referring to the dates, that it was on the 3rd of September he came to the determination that the ironclad rams should be stopped and should not be allowed to proceed to their intended destination. Now, I want to know, if that be the case, how it is that on the 4th a letter was written by the noble Earl, stating that the matter was still under the serious consideration of Her Majesty's Government; and that it was not until the 8th the decision was come to that they should be stopped. If the noble Earl had come to the determination to detain the ironclad vessels on the 3rd September, how was it that the noble Earl stated in his letter of the 4th that the matter was still under the serious consideration of Her Majesty's Government? There is another question I should like to ask the noble Earl—whether he had asked for any explanation from the United States' Government, why the despatch of Mr. Seward to Mr. Adams, which had never been submitted to the noble Earl, was laid before Congress without any intimation that it had not been transmitted to the noble Earl—whereby the American people have been led to believe that that letter had been presented to and received by the noble Earl, and that it had excited a considerable influence over the determination of our Government. That despatch, it appears, had exercised a considerable influence in the United States. Now, I would ask the noble Earl, whether he does not consider, since he has seen the publication of the whole Correspondence, that it is necessary for the honour of this country to ask for some explanation about a despatch which had never been delivered, but which, nevertheless, is made a portion of the diplomatic Correspondence laid before Congress?

EARL RUSSELL: Having heard the noble Earl say that the Correspondence laid before Congress was contained in a bulky volume, I concluded, perhaps somewhat too hastily, that he had read it. If he did not, of course what I said on that point entirely falls to the ground, and must be withdrawn. As to the last question of the noble Earl, I think it more affects the conduct of the United States Government towards their own people than their conduct towards us. It is the habit—and the wise habit, I think—of Mr. Adams to weigh over the despatches which he receives, and to consider what it is his duty to do; and when they contain complaints, to consider how he can most effectually urge these complaints, and to endeavour to perform his duty in the most conciliatory spirit possible. I can only say that Mr.

Adams has pursued that course from the first. Almost the first time I saw him he told me that he had several despatches couched in strong terms, but he did not think it discreet to read them to me, and he then went on to describe in his own language what the complaints of his Government were. So far as regards the conduct of Mr. Adams, I think it is calculated to maintain friendly relations between the two Governments. I certainly, at present, do not see the necessity for asking Lord Lyons to call Mr. Seward's attention to the presentation of this despatch to Congress. No doubt, a certain effect may have been produced in the United States by the publication of that despatch; but that effect will, of course, be reversed when it is discovered that the despatch has never been presented.

The Earl of DERBY: I beg to say, that I never for one single instant threw out the slightest imputation against Mr. Adams. On the contrary, I think that Mr. Adams has exercised a wise discretion, and that from the first he showed himself a friend to both countries in the course which he pursued. It is, therefore, quite unnecessary for the noble Earl to enter into any defence of Mr. Adams on the present occasion. The noble Earl quite surprised me by saying that, in regard to the despatch of the 11th, Mr. Adams had communicated to him the substance of it.

Earl RUSSELL: No; what I said was, that it was Mr. Adams's habit, when there was any substantial grievance to complain of, to communicate to me his views of the despatch.

The Earl of DERBY: Then how did it happen that, having come to the decision of stopping the ironclad rams on the 3rd September, you wrote upon the 4th that the matter was still under the serious consideration of Her Majesty's Government?

Earl RUSSELL: The matter was still under correspondence at the time. Mr. Layard had written a letter to the Treasury, and the matter was under consideration still in the Treasury, and we had to wait for their answer. I being in Scotland at the time, my letter, I suppose, would not reach Mr. Adams until a day or two after. When the matter was under consideration between two Departments, we did not think it necessary to tell the parties that it was determined.

The Marquess of CLANRICARDE thought it would be of great advantage if some means could be devised for exchanging Parliamentary Papers with Foreign Legislatures. This had been done with France in former times. He would suggest to the Government to lay this American volume before Parliament, for, of course, Lord Lyons had communicated it to his Government. He communicated last year's volume, and it was laid in due course before Parliament.

Earl GRANVILLE thought it would hardly be advisable for the Government to take upon themselves to lay before Parliament the blue-books, yellow-books, and other papers published by foreign Governments.

DENMARK.
INTEGRITY OF DANISH MONARCHY.
THE DUCHY OF SCHLESWIG.
OBSERVATIONS.

Lord CAMPBELL: My Lords, If an apology is needed for calling the attention of the House to the Treaties and Conventions in which the Duchy of Schleswig is guaranteed to Denmark by Great Britain, it may be found in the silence with regard to them, which has hitherto prevailed in both Houses of Parliament since the beginning of the Session. They affect so clearly and indisputably the obligations and position of the country, that I am more inclined to reproach myself for not having adverted to them in the debate on the Address, than I am for now attempting to submit them to your Lordships. At that time it did not seem to me improbable that my noble Friend, who has lately been at Copenhagen (Lord Wodehouse), might have entered on the subject, and anticipated all I had to offer as regards them. It will not, I trust, be thought that this notice is in any way designed to precipitate discussion on the conduct of the Government in the Danish question, which cannot properly begin until the papers are before us. The engagements of the country, and the merits or demerits of the course which Ministers have followed, will hardly be confounded by your Lordships. To refer to those engagements if forgotten, is most essential at this moment. It tends directly to obtain the armistice our policy is seeking. If it is thought that Great Britain is at liberty to abandon Schleswig, overrun and occupied by Germany, to a foreign grasp, that grasp, no doubt, will be tenacious. If it is seen that Great Britain is bound by ancient and surviving treaties to maintain Schleswig in the Danish monarchy, that grasp will most probably be loosened. In that view, not another day and not another hour ought to elapse, before these treaties are again impressed upon the memory of Parliament. And had they been distinctly blazoned before the Session opened, and before the war began, they might, perhaps, have done something to avert the wrongs and the disasters of which, in the last few days, Great Britain has been the startled and indignant, but at the same time, the baffled, humiliated, and incapable observer.

My Lords, before proceeding to refer to the instruments which contain the guarantee itself, it is essential to insist upon this point—namely, that the Treaty of London of 1852, of which we have heard so much, in no way disturbs or supersedes them. It would be quite useless to advert to them, while noble Lords were under a vague and undefined impression that the Treaty of London reproduces or annuls all previous engagements between Denmark and Great Britain. The prevailing disposition to overlook the guarantee, which, as I shall show the House, a few years ago was universally acknowledged, must, in the want of any other cause, be traced to an impression of that character. But the Treaty of London is exclusively directed to provide against a vacancy in the Danish throne, and has no reference whatever to the case of an aggression upon Denmark. Neither in the Protocol of London of 1850, or the Protocol of Warsaw of 1851, by which the treaty was prepared, nor in the treaty which was based upon them, can you find a word enfeebling or altering our previous engagements to the Danish monarchy. The Treaty of London cannot supersede a former guarantee, because no guarantee is found in it. It cannot annul a former guarantee, because it never mentions or alludes to one. On this essential point I refer with confidence to the noble Lord the President of the Council, who, in 1852, at the Foreign Office, must have studied the preliminaries; to the noble Lord the Postmaster General, who, as Under Secretary in 1851, enjoyed the same advantage; to the noble Earl over the way (Lord Malmesbury), who signed the treaty for Great Britain; to my noble Friend who has lately represented us at Copenhagen, and who, from that and other circumstances, is more familiar, perhaps, than any other man with the provisions of the treaty. So far from cancelling the former guarantees, it strengthens and establishes them by pointing out the object they aspire to, and the consideration which defends them. The Treaty of London declares, in the name of all the States subscribing to it, that the balance of power requires the integrity of Denmark. It is well known that the integrity of Denmark cannot outlive the loss of Schleswig, and that the monarchy could never be upheld if the two lines of the Eider and the Dannewerke were taken from it. The Treaty of London, therefore, without impugning former guarantees of Schleswig, explains their scope, and thus increases their authority.

My Lords, the treaties which contain the guarantee of Schleswig by Great Britain are easy to explain, and it requires no research or industry to state them. They are only three in number. They are all recited in the well-known work of Dr. Twiss upon the Danish Question, which must be known to every statesman and diplomatist. And this learned and impartial master of public law, after thoroughly elucidating and discussing them, has acknowledged in the fullest way their obligation and validity. The first treaty which undertakes to guarantee Schleswig to Denmark, on the part of Great Britain, is that of Gottorp, June 26, 1715. The guarantee is renewed in a better known and more memorable instrument—namely, the Convention between Great Britain and Denmark, of July 26, 1720. It is afterwards repeated in the Treaty of Copenhagen, between France, Denmark, and Great Britain, on the 16th April, 1727; when the two Western Powers unite in guaranteeing the perpetual and peaceable possession of the Duchy to the King of Denmark. My Lords, I should feel bound to cite the language of these documents, or at least to give the House a more exact impression of their substance, were it not possible to spare your Lordships the fatigue, without injustice to the object which engages me. The House has only to accompany me from the beginning of the last century, to a period we all of us remember, in order to convince itself that these instruments are binding on the faith and honour of the country. In 1848, when Prussia had invaded Denmark on pretences as weak as those which now support the recklessness of Germany, the subject was debated in the House of Commons under the auspices of Mr. Disraeli and Lord Palmerston. Mr. Disraeli, on the 19th April, came down to that House, and, speaking for the great party with which he acted then, and acts at present, brought on a Motion upon Denmark. After doing justice to the liberal concessions of the Danish King, and denouncing the invasion of which Denmark was the object, Mr. Disraeli dwelt upon the guarantee of Schleswig as the very basis of our system towards that country. Lord Palmerston replied, and endorsed the guarantee with equal frankness and decision. Not a breath of difference stirred the House of Commons after the Opposition and the Government had so conspicuously declared themselves. The noble Lord the Foreign Secretary, who was then First Minister, gave a silent acquiescence. Responsible, however, as he was for what had fallen from Lord Palmerston, of him it may be truly said, *dum tacuit clamavit.* The late Sir Robert Peel and his supporters, at that time an active and independent party in the Legislature, rather wont to have opinions of their own on points of foreign policy, did not intimate dissent from the grave position as regards the duty of Great Britain they had listened to. The followers of Mr. Hume, habitually averse to guarantees and the expenditure which may occasionally flow from them, never even whispered hesitation. Into these four parties the House of Commons was divided. But, will the House permit me to add another circumstance which renders even more expressive the unanimity adverted to, as regards the guarantee of Schleswig by Great Britain. Chevalier Bunsen, the Prussian envoy, had just done his utmost to attack and undermine it. Renouncing all the forms of diplomatic etiquette, he had just addressed a memorandum to the Foreign Office, and also to the Members of the House of Commons, in which the German claims on Denmark were laboriously stated, and no effort spared to show that the guarantee of Schleswig did not any longer bind us. And yet, in spite of all the heavy ordnance just discharged upon them, the House of Commons was united and immovable. My Lords, these facts are so remarkable, that they ought not to rest on Parliamentary assertion which may be colored or inaccurate. The House may fairly ask, what really passed on that occasion, what kind of language was employed upon the guarantee of Schleswig by Great Britain? These, then, were the words of Mr. Disraeli, republished in a pamphlet which contains his speech and that of Lord Palmerston together—

"Now, by the treaty still in force, England has guaranteed this Duchy of Schleswig, its peaceable and complete enjoyment, to the King of Denmark. It is of great importance that we should clearly understand the nature of that engagement. I have been told by some persons that the treaty is of very remote date. This is certainly a most extraordinary observation. The date, in point of fact, is no more remote than the accession of the present family to the throne, and it binds the successors and heirs of the King who ratified it. We have not even a revolution or a change of dynasty intervening in the period; and, if there are any treaties which ought to bind us, I think I shall be able to show the House that this is one of that character."

My Lords, I have cited Mr. Disraeli, to illustrate the concurrence of opinion at the time. What was the language of the noble Lord (Lord Palmerston) who followed him? He said—

"The hon. Gentleman, no doubt, has exercised a very proper discretion in calling the attention of the House and of the country to the engagements we have entered into with regard to the Duchy of Schleswig. I have here the original treaty, by which the guarantee is given; but the hon. Gentleman has read the words so fully and correctly that it will not be necessary for me to trouble the House with a recapitulation. The hon. Gentleman is perfectly correct in saying that the guarantee, which was given by this country to Denmark, was also given on the same occasion by the Government of France."

But what are the words which Mr. Disraeli had given so fully and correctly? I should have read the passage sooner. After replying fully to the memorandum of Chevalier Bunsen, Mr. Disraeli quotes them from the treaty—

"The King of Great Britain, for his heirs and successors, agrees and binds himself to guarantee and maintain, in a continual and peaceable possession, that part of the Duchy of Schleswig which His Danish Majesty has in his hands; and to defend it, in the best manner possible, against all and everyone who may endeavour to disturb it, directly or indirectly."

Such, in 1848, was the opinion of all parties on a guarantee which since that time has never been invalidated. Such was the opinion of the Minister who then directed foreign policy, and now presides over the Cabinet. It may be thought, however—few would venture to surmise it—that he yielded inadvertently and suddenly, the point on which the leader of the Opposition had insisted, and that his language did not fully indicate the resolution and the judgment of the Cabinet. I will therefore bring under the notice of your Lordships the resolution and the judgment of the Cabinet before Parliament had acted on them, and before the Opposition had pronounced itself. I have here the copy of a despatch from Lord Westmoreland, our representative at Berlin, to the Foreign Minister of Prussia, of which the substance is conclusive. Instructed by the Cabinet in London, Lord Westmoreland expressed their deep concern at hearing that Prussian troops had entered Schleswig, or were about to do so. Instructed by the Cabinet, he intimated their lively hope that the design may be abandoned, if not executed—and that the troops may be withdrawn if they are now beyond the frontier of the Duchy. Instructed by the Cabinet, he sends a copy of the guarantee of 1720 to the Minister of Prussia, as the wand which ought to check the Prussian army in its enterprize. The despatch is dated April 18, 1848. And the instruction must have issued before Parliament had lent its impulse to the Government.

No question will be, therefore, raised as to the force of the guarantee in 1848, either by the noble Lord the Secretary for Foreign Affairs or by the First Minister, who at that time insisted on it in a manner so remarkable. And I have proved to-day, that since 1848 nothing has disturbed it. Has it been forfeited by Denmark? No doubt a guarantee of this sort may be forfeited by the Power which enjoyed it if it engages in aggression, or provokes a war against itself, or declines a salutary course the guaranteeing Power urges on it. To none of these reproaches Denmark is obnoxious. It is said, indeed, that she has not fulfilled her engagements of 1851 to Germany. In reply to such an allegation volumes might be written. The celebrated work of Mr. Gosch, an *attaché* of the Danish Embassy in London, has gone at length into the question. But no man, even refusing to concur with Mr. Gosch, can do less than admit the argument to be a balanced one. And if it is, would Great Britain be entitled to decide in favour of the party which had every motive to attack, and against the party which had every motive to be just and to conciliate? The reason of the case forbids such a conclusion, although a desire to escape the guarantee may unfortunately prompt it. What is the wrong which Denmark has committed against the counsel of Great Britain? Once only has a British counsel been rejected by her. The counsel of the noble Lord in the well-known despatch of September 24, 1862, to subject her legislation to four co-ordinate assemblies, was undoubtedly rejected by the Government of Denmark, as inconsistent with the safety of the kingdom. But that counsel never found an advocate in Parliament or out of it; and no one more decidedly condemned it in this House than my noble Friend the former Under Secretary, who has lately been our representative at Copenhagen. Who would venture to assert that Denmark forfeited the guarantee when she declined to execute the project I refer to. On every other point, in deference to British views, concession has been heaped upon concession. It is therefore certain that the guarantee exists in its original integrity.

By what line of action can we satisfy it? My Lords, I will not presume to hazard an opinion on that question, but will remark, with the permission of the House, that an armistice alone—at which we seem to aim—will not fulfil our engagement, unless Schleswig is restored by it to Denmark. In 1848 you had an armistice; but two years elapsed before peace was made, and a longer time before Denmark was evacuated. The settlement which came at last, imperfect as it was, and as events have proved it, arose from certain agencies and forces we cannot count upon at present. At that time, Russia, guided by the Czar Nicholas, embarked in a crusade against the revolutionary movement of which the war against Denmark was regarded as an offshoot. The policy of Russia was to overrule the German enterprize in Denmark. It is not so at present; and if it was, the Polish insurrection would effectually neutralize it, by giving Germany retaliatory weapons against Russia she was not formerly possessed of.

Another force which tended greatly to a settlement in 1850 was, the violent antagonism which sprung up between Austria and Prussia after the great events of 1848, which nearly lighted up a war between the whole of northern and the whole of southern Germany, and was only just kept under at the Conference of Olmutz. So Denmark got rid of her aggressor. But now, the same division of the German Powers cannot be relied on. What force have we to look to, to put an end to this unhappy complication? The united and material exertions of Sweden, Denmark, and Great Britain might suffice. But who expects to see them? The French alliance is the only agency remaining. But the man would be a sanguine, or even an unreflecting one, who expected that alliance while the Emperor remains upon the throne, and the noble Lord presides over the Foreign Office, to recover the solidity without which it would in vain aspire to restore integrity to Denmark.

But if it is not easy to point out any manner of fulfilling our unquestioned guarantee, it is important to refer to the lines of action it prohibits, and towards which we might be drawn if it did not bind us. It would obviously be violated if Schleswig became like Holstein, a part of the Confederation. And even this has been demanded. It would be violated if Schleswig was parcelled out into allotments between Germany and Denmark. And this has been suggested. The guarantee would not permit us to subscribe to a fusion of the two Duchies, according to the fabulous hypothesis, which Germany has so long employed as a fulcrum of attack, or rather as an instrument of torture. It would not permit us to subscribe to an arrangement which gave Germany the right to interfere or dictate on the northern boundary of the Eider. The guarantee would not have been observed if Kiel became a German harbour, or Rendsburgh a German fortress; because, in neither of these cases would Denmark have the peaceable possession of Schleswig we have undertaken to secure for her. All these propositions may be mooted; and into any of them, the too great desire of tranquillity might drag a Minister, by whom the guarantee had been forgotten.

My Lords, imperfectly as I have touched upon the question, these points, at least, will be admitted—namely, that, in 1720, Great Britain guaranteed Schleswig to the monarchy of Denmark; that so far from the guarantee having expired in 1848, all parties in the State at that time conspired to recognize its vigour; that the Government of the day, which, as regards foreign policy, is the Government of our day, of their own resolve insisted on its cogency through the Ambassador at Berlin; that the Treaty of 1852 has done something to confirm and nothing to invalidate it; and that the Danish Government have not adopted any step by which they lose their title to its benefit. The policy it indicates I have not ventured to describe, adverting only to the lines of action it forbids Great Britain to subscribe to. One fact ought not to have been passed over—the solemnity with which George I., on the "word of a King," engaged his faith, and that of all his heirs and successors, to its observance. It is not easy to deny, that its observance, beyond the balance of power, the reputation of the country, and the general authority of treaties, concerns, and vitally, the honour of the dynasty we cherish. A few nights ago, we heard the expression of an animated hope that that dynasty might long outlive the masses who look up to it at present, and stand among the *Nati natorum, et qui nascentur ab illis.* To such a hope, the people of the country might add a further aspiration:—that it may always reign without a blemish on its glory, and that its faith to guarantees may never be impeached in the remotest age to which its destiny advances it.

EARL RUSSELL: My Lords, I think my noble Friend is entirely justified, having the opinion he has expressed with regard to the guarantee given to Denmark in 1720, in bringing this question under the consideration of your Lordships; and undoubtedly it is one which Her Majesty's Government cannot lose sight of in any negotiations that may take place. But I own I cannot think it desirable, for my part or on the part of your Lordships, that we should now, when there is no immediate question before the House, enter into a discussion as to the engagements between this country and Denmark. There is a general question with regard to any treaty of guarantee of this kind. It is necessary to examine under what circumstances it was made—whether certain views of policy that determined it did not likewise limit its scope. It is necessary to examine what war occurred afterwards between the Power giving the guarantee and the Power to whom the guarantee was given. It is necessary to examine whether the treaty of peace that afterwards occurred confirmed or did not confirm the original guarantee. I think that any Government of this country would be very rash to give a positive opinion on these questions without a thorough examination. That examination Her Majesty's Government have begun. The matter has been already deliberated upon and discussed; but I cannot say that we have arrived at such conclusions on the various points I have mentioned, as to induce me to say at this moment what is the final decision of the Government on the subject. There is one thing, however, perfectly clear,—that the consideration of the Treaty of 1720 must have an influence on any transaction in which we may engage with Foreign Powers on the subject. Now, with regard to 1848, my noble Friend very properly and truly alluded to the despatch which was sent to Berlin, and the discussions which took place in the House of Commons; but it is a remarkable thing—no less remarkable than creditable to the Government of that day—that they did not immediately declare to Prussia that England was prepared to carry into effect that guarantee by force if it was at all infringed by the Prussian Government. On the contrary, the Prussian Minister said that there was no question of the guarantee, because there was no intention of the Prussian Government to infringe it. At a subsequent period Lord Palmerston was referred to, and he said—

> "Great Britain has now undertaken the office of a mediator; it would be inconsistent with the office of a mediator to be asserting the cause of one party against the other, and therefore I will not at the present moment enter into the question of guarantee."

Looking at the present position of things, we find that that position, while extremely complicated, is evidently very different as regards some of the Powers of Germany, and as regards the Powers of Austria and Prussia, who are now making war on the Duchies of Denmark. Some of the Powers of Germany, Bavaria more especially, have not hesitated to declare that they consider the Prince of Augustenburg is entitled to be acknowledged as Duke of Holstein, and also as Duke of Schleswig; and it might follow from that that they will endeavour to put him in possession of the Duchy of Schleswig. Now, if that attempt were made to put the Duke of Augustenburg in possession of the Duchy of Schleswig, then it would follow that England must declare whether or no she was bound by the Treaty of 1720; and, if so bound, it would be her duty to come to the support of Denmark in the Duchy of Schleswig. But the position of Austria and Prussia is very different. The communications we have received from Austria and Prussia, contained in the despatch of the 31st of January, which I have laid before this House, do not contemplate in any way the dismemberment of Denmark. On the contrary, they say that they go into Schleswig maintaining the principle of the integrity of Denmark, and that the very cause of their entrance into Schleswig is to obtain the fulfilment of the obligations which the King of Denmark has taken as Duke of Schleswig, and has taken in no other capacity. Unless he were the Duke of Schleswig, they could have no claim to ask from him the fulfilment of the engagements of his predecessor. Well, I must say, in that position of affairs—a most complicated and difficult position of affairs—with the war still raging, but with the declaration of those Powers that they go to Schleswig to take it as a material guarantee, I think it is most desirable to endeavour rather to settle all these questions by pacific means, than to resort at once to anything of the nature of a threat founded on the guarantee to which my noble Friend has alluded. Austria and Prussia are conscious—all the principal Powers of Europe must be conscious—that the Duchy of Schleswig and the Duchy of Holstein cannot be transferred to any other Power than the King of Denmark without a general concert and general consideration of the whole question among the European Powers. That, likewise, is contained in the letter to which I have alluded. These Powers admit, that if there is any change in the situation—if anything new is proposed—it should be a matter of concert and consideration. I quite admit that Her Majesty's Government must make up their minds, with the best light they can receive and the best advice they can obtain, as to the binding obligations of the Treaty of Guarantee of 1720. Still I say it is desirable, for the sake of the peace of Europe, that everything that can be done by conference and communication ought to be done, before any action is taken which might very soon assume an attitude of hostility between some of the great Powers of Europe. My noble Friend is perfectly aware that in 1727 a similar guarantee was given by France to Denmark of the Duchy of Schleswig. He is also aware that in 1767 and in 1773 communications were entered into, and finally a treaty of peace was signed between Russia and Denmark upon the same basis. It is not desirable to know what is the opinion of France—to know what is the opinion of Russia with regard to the effect of these engagements on them? These are matters intimately affecting the peace of Europe, as well as affecting the position of Great Britain. I must decline to give any positive opinion at this moment; but while I thank my noble Friend for having gone into this subject, I must repeat that I cannot declare any positive intention of Her Majesty's Government without further reflection.

House adjourned at half past Six o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, February 15, 1864.

MINUTES.] — Public Bills — *Resolution in Committee*—Warehousing of British Spirits.

First Reading—Warehousing of British Spirits [Bill 19]; Insolvent Debtors* [Bill 20]; Forfeiture of Lands and Goods * [Bill 21]; Watching of Towns (Ireland) * [Bill 22].

Second Reading—Insane Prisoners Act Amendment [Bill 4]; Conveyancers, &c. (Ireland) [Bill 5]; Malt for Cattle [Bill 6]; Collection of Taxes [Bill 7]; Government Annuities* [Bill 11].

HERRING FISHERIES (SCOTLAND).

QUESTION.

Mr. CAIRD said, he would beg to ask the Secretary of State for the Home Department, in the absence of the Lord Advocate, Whether it is the intention of Government to alter or repeal the recent Laws on the subject of the Herring Fishery in Scotland, which the Royal Commissioners appointed in 1862 to inquire into the operation of these Laws reported to have "unnecessarily restricted the operations of Fishermen; to have repressed invention by prohibiting new and more productive forms of labour; as calculated to be destructive rather than conservative in relation to the future supply of Herring; and, although beneficial to certain class interests, as prejudicial to the consumer of Fish and to the public generally?"

Sir GEORGE GREY in reply said, he had communicated with the Lord Advocate, who was at present in Scotland, and ascertained that a Bill effecting some alterations in the existing Law was in preparation, and would soon, he hoped, be introduced.

CHILDREN EMPLOYMENT COMMISSIONERS.—QUESTION.

Viscount ENFIELD said, he wished to ask the Secretary of State for the Home Department, Whether his attention has been called to the Report of the Children Employment Commissioners; and, if so, whether he intends to propose any measure founded upon the Report of the said Commission?

Mr. BRUCE said, in reply, that the Report had been under the consideration of the Government during the recess. A measure was in preparation, and he hoped very shortly to ask leave to introduce it.

TOBACCO CULTIVATION IN IRELAND.

QUESTION.

Mr. MAC EVOY said, he would beg to ask the Chancellor of the Exchequer, Whether it is the intention of the Government to introduce any Bill this Session to repeal the Act which at present prevented the growth of Tobacco in Ireland?

The CHANCELLOR of the EXCHEQUER replied, that he was not aware that the law imposed any peculiar restrictions upon the growth of Tobacco, either in Ireland or in any part of the United Kingdom. The general prohibition could not be removed, because of the impossibility of charging Tobacco grown in this country with a duty equivalent to that on Tobacco grown abroad. He did not know any way in which that difficulty could be overcome. He should be glad if it could. From what he had been informed he did not think the growth of Tobacco would ever prove remunerative in this country. That, however, was not a question for him. He did not see any mode of getting over the difficulty to which he had referred, and it was not his intention to propose to the House any alteration in the existing law.

RAILWAY ENCROACHMENTS (DUBLIN).

QUESTION.

Mr. VANCE said, he rose to ask the President of the Board of Trade, If he will consent to the appointment of a preliminary Select Committee, composed of Members of both Houses of Parliament, to consider and report upon the various Railway schemes affecting the city of Dublin, such Committee to be nominated in the same manner as that which has been recently appointed to consider and report upon the different Railway projects affecting the Metropolis?

Mr. MILNER GIBSON in reply said, the Government had no intention of proposing such a Committee as that referred to by his hon. Friend.

ALLOWANCES TO COLONIAL GOVERNORS RETIRING.—QUESTION.

Mr. HOPWOOD said, he wished to ask the Under Secretary of State for the Colonies, when the Government intend to bring forward the subject of granting Retiring Allowances to Governors of Colonies?

MR. CHICHESTER FORTESCUE said, in reply, that the subject of Governors' Pensions had been under the consideration of his noble Friend the Duke of Newcastle during the recess, but he was not at present in a position to say that any measure would be introduced by the Government.

LAW OF COPYRIGHT.

QUESTION.

MR. BLACK said, he would beg to ask the Secretary of State for the Home Department, If the Government intend to bring in a Bill this Session for Consolidating the Acts relating to Copyright in works of Literature and Art?

MR. MILNER GIBSON in reply said, the Government had no present intention of bringing in a Bill to consolidate those Acts. Circumstances had not arisen to render such a measure of urgent necessity.

METROPOLIS (PROTECTION AGAINST FIRE).—QUESTION.

SIR MINTO FARQUHAR said, he wished to ask the Secretary of State for the Home Department, Whether he intends to introduce a Bill this year for the better protection of the Metropolis from Fire; and, if so, when he will lay it upon the table of the House?

SIR GEORGE GREY: I hope, Sir, to be able to introduce a Bill on the subject. Some time ago I communicated with the Metropolitan Board of Works, and laid before them the outline of a scheme for the establishment of a Fire Brigade for the Metropolis, to be under the control and management of that Board. They signified their willingness to undertake the control of such a body, but stipulated that the whole expense of maintaining the establishment should not fall upon the ratepayers of the Metropolis. As to the principle there was no difference, for it is obviously right that the Government should contribute something in respect of the large number of public buildings, the national property, to which increased protection would be afforded; but in the arrangement of details some difficulties were naturally felt. The Board of Works also thought, and not unreasonably, that the Fire Insurance Companies ought not to be exempted from all contribution to such an establishment, having at present to bear all the expense of their own Fire Brigades. I am in communication with these Companies, and again I hope that there is no difference between us in principle; but the details of the arrangement require careful consideration. I am at present waiting their answer; and till all these arrangements are satisfactorily made I cannot say when the Bill will be introduced.

ARTILLERY.—COMMISSIONERS TO UNITED STATES AND DENMARK.

QUESTION.

MR. W. EWART said, he wished to ask the Under Secretary of State for War, Whether any British Officer or Officers have been sent to study and report upon the recent applications of and improvements in Artillery adopted in the war in the United States and in Denmark?

THE MARQUESS OF HARTINGTON replied, that since the commencement of the war with the United States, the War Office had received from Lord Lyons frequent reports as to the progress of science applied to artillery, of all experiments, and of all new guns manufactured by the Government of the United States. Within a short time, however, it had been found that Lord Lyons was not able to supply that department with such correct detailed information as appeared to be necessary; and three Officers were sent out for the purpose of investigating and reporting to the War Office, in the fullest manner possible, all the improvements and alterations which had taken place in Artillery science in the United States. In September, 1862, a Commission, of which Lieutenant-General Sir J. Mitchell was the president, visited Denmark and reported upon the state of its defences and of the artillery in its possession. It had not been thought necessary to send any Commissioners since the breaking out of the present war, either to the Danish, the Prussian, or other armies.

COURT-MARTIAL ON COLONEL CRAWLEY.—QUESTION.

LORD HOTHAM said, he rose to inquire from what fund the expenses of the late Court-Martial at Aldershot are to be paid; whether the House will be asked to grant money for that purpose; and, if so, when such grant will be proposed?

THE MARQUESS OF HARTINGTON said, in reply, that it would not be necessary to lay on the table of the House any Supplementary Estimate for the purpose of defraying the expenses connected with Colonel Crawley's trial; they would not be paid out of any particular Vote, but would be spread over several of the Votes taken last year. For instance, the pay and allowances of the witnesses would be chargeable to Vote 1; their travelling expenses and provisions to Vote 2 (the Commissariat); the lodging allowances would come out of Vote 4, and only the special expenses incurred by the Judge Advocate General, and immediately connected with the trial itself, would be raised out of Vote 6, the Vote for the administration of martial law. If any addition to the estimated expenses should take place, it would have to be treated like excess arising from any other cause. There would be no objection, however, on the part of the Government to give the Return showing the total expenses incurred upon the trial of Colonel Crawley if the noble Lord should move for it.

PETITION FROM MALTA.—QUESTION.

SIR GEORGE BOWYER said, he wished to ask the Under Secretary of State for the Colonies, Whether Her Majesty's Government received an important Petition from Malta asking for reform in the Colonial Government?

MR. CHICHESTER FORTESCUE said, since he answered the hon. and learned Gentleman's question on this subject a few days back the Petition had arrived, and would receive the most careful consideration from Her Majesty's Government.

DENMARK AND GERMANY—SCHLESWIG HOLSTEIN—THE RUMOURED ARMISTICE.—QUESTION.

MR. DISRAELI: Sir, in the total absence of papers with respect to our foreign relations, I am obliged to trouble Her Majesty's Government with more questions than I could have wished. I understood on Friday night from the noble Lord the First Minister of the Crown, that Her Majesty's Government had made a proposition for an Armistice between the two contending parties. It would be convenient to the House to know whether Her Majesty's Government have received any answer to that proposition, especially as from the tone of the noble Lord we concluded that it was made under very favourable circumstances?

MR. LAYARD: Sir, in the absence of the noble Lord at the head of the Government, perhaps I may be allowed to state that an answer has been received by Her Majesty's Government; but I regret to have to state to the House, that that answer is not of a satisfactory nature. No Armistice, I apprehend, is likely to be agreed to at the present time.

THE IONIAN ISLANDS.—AMERICAN CRUISERS.—QUESTION.

MR. GREGORY said, he rose to ask the Under Secretary for Foreign Affairs, Whether he is prepared to lay on the table of the House all the communications which have been received from the Government of Greece upon the subject of the demolition of the Ionian fortresses and the neutralization of those Islands; also, all communications received from the three protecting Powers and the Government of France? He likewise wished to ask another question, having reference to a rumour prevalent at Liverpool, and he did so for the sake of those who believed that rumour, not on his own account, for he entirely disbelieved it. The rumour was that vessels, or a vessel, of superior strength and speed, were being fitted out at Liverpool or some other English port, with the intention of pursuing and capturing the *Alabama*, inasmuch as the Federals had been unable to do it themselves. He wished to know whether any information on that head had reached the hon. Gentleman, and whether he will apply the same vigilance to the prevention of acts of hostility towards a friendly nation to which we have granted belligerent rights, as he has shown in dealing with vessels suspected of being fitted out with designs hostile to the Federal States?

MR. LAYARD said, in answer to the first question of his hon. Friend, he was aware that the treaty relating to the cession of the Ionian Islands had not yet been signed by the Greek Government, although it had been sent to Athens. Until that treaty was signed it would be impossible to lay upon the table of the House the correspondence connected with it. As regarded the second question, the only information he possessed was derived from the newspapers, and one of these suggested that the whole paragraph might be a wily contrivance on the part of the Confederates. If so, his hon. Friend would probably know more about it than the Government.

The law, of course, would be applied impartially to either side.

UNITED STATES.—CASE OF THE "SAXON."—MURDER OF MR. GRAY.

QUESTION.

MR. SEYMOUR FITZGERALD said, he wished to put a question to the Under Secretary of State for Foreign Affairs of which he had privately given him notice, What is the date of the Despatch forwarded in relation to the murder of Mr. Gray, and by what mail was it sent to America?

MR. LAYARD said, the notice he had received was so very recent that he was unable at that moment to answer the question. Perhaps his hon. Friend would be good enough to repeat it the next day.

INSANE PRISONERS ACT AMENDMENT BILL—[BILL 4.]—SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Sir George Grey.*)

MR. GATHORNE HARDY said, it was not his intention to enter into the controversy which had arisen with respect to Townley's case, and which had been sufficiently discussed in the press and to some extent in that House. He was not present however when this measure was introduced, and he wished to take the opportunity of saying that, while there was much that was unsatisfactory to the country in the case, he was far from imputing blame to the right hon. Gentleman (Sir George Grey) for the course he had taken. He doubted, indeed, whether any Home Secretary, under similar circumstances, could have acted differently. The conflict of evidence with respect to Townley's state of mind made the case one of great difficulty. A verdict that appeared to be conclusive established his sanity at the time of his trial, but afterwards the evidence of medical men and others pointed to the conclusion that Townley had become insane. Two or three things, however, appeared to the public out of doors to be inconsistent with fairness and impartiality. One was that the initiative was not taken after the trial by responsible persons, and another was the supposed compulsion upon the Secretary of State to remove the prisoner to an asylum on the certificate of any two justices and two physicians. And thirdly the public were dissatisfied, not from any thirst for Townley's blood, but because it did not seem fair to them that his sentence should by such means not only be respited, but commuted. For it practically amounted to a commutation of the sentence, because he agreed that it was impossible for the Secretary of State to bring Townley to execution after he had been removed to a lunatic asylum. But the Bill before the House did not provide an adequate remedy for such cases. The law was founded on two Acts of Parliament. The first was the 9th of *Geo.* IV., but it only applied to prisoners under sentence of imprisonment and transportation. Here the initiative was given to the Secretary of State. He was to direct the removal to an asylum in cases of insanity, and there was no intermediate process as in the next Act, the 3 & 4 *Vict.*, under which Townley was removed. The case of persons under sentence of death was, he thought, advisedly omitted from the first-named Act. It ought to be kept separate, and dealt with in a different manner. Many persons had interested themselves in the state of Townley's mind while he was under sentence of capital punishment, but all the zeal, energy, and prejudice exhibited by these persons had disappeared as soon as the sentence was commuted. The new species of insanity, indeed, was never brought forward except when prisoners were sentenced to death, although if Townley was really believed to be irresponsible for his actions it was as great a cruelty to put him on the public works as to take his life. These persons, however, drew a distinction which might be useful to the Legislature in amending the law. It was monstrous that any two justices should intrude themselves into a gaol with any two doctors they might select, and then make out a certificate binding on the Secretary of State. That might be a light evil in the case of persons under sentence of imprisonment, but if prisoners under sentence of death were once removed to an asylum, the Secretary of State could not carry out the original sentence. It was, he repeated, impossible for the right hon. Gentleman to bring Townley from the asylum and put him to death. Parliament would guard itself sufficiently in the case of prisoners sentenced to transportation and imprisonment by giving the visiting justices the initiative. But in the case of a prisoner under sentence of death, there was an opportunity before trial and at the trial to inquire into the state of his mind. [SIR GEORGE GREY: If the objection is taken before the trial.] The verdict should, he thought, be conclusive as to the state of his mind up to the period of the verdict, and the inquiry should only refer to the state of his mind after the verdict and up to the period of his proposed execution. The question then arose, how the friends of such a prisoner would be able to bring a certificate under the notice of the Secretary of State? He suggested that the Bill should be left as it then stood in respect to persons under sentence of imprisonment or penal servitude, and be altered only in cases where the prisoner was condemned to death. The words of the clause were, "If any person shall appear to be insane;" but did not say to whom. He would suggest that the words should run, "If any person shall appear to the visiting justices to be insane." The visiting justices should represent the insanity to the Secretary of State, who ought thereupon to issue a commission. The inquiry need not be public, but it should be of a solemn and judicial character, and the proceedings should be published. The report of the commission as to the sanity of the prisoner should be binding on the Secretary of State, but that would by no means affect the Royal prerogative of pardon or commutation of sentence. It was casting an unwarrantable and unfair burden on the Secretary of State to leave the decision to his discretion after a fair and complete inquiry and judgment by competent persons. Much dissatisfaction would be felt if the Home Secretary allowed a man to be executed in spite of a certificate of his insanity. It would, therefore, be in the interest of the Secretary of State to adopt such an Amendment as he now recommended, because he did not propose to touch the prerogative of the Crown. Parliament ought, however, more carefully to define the power of the Home Secretary, not only for his sake, but for the sake of the public. Why should such a duty be thrown upon him under the statute? The right hon. Gentleman had had difficulties enough in recommending the exercise of the prerogative of the Crown, having not unfrequently of late brought himself into collision with public opinion, and caused great ill-feeling. In the existing state of things it had come to this:—If a man was respited and an inquiry commenced into his sanity or insanity, once that he had been removed to a lunatic asylum he was practically saved from execution. He (Mr. G. Hardy) took it to be the law that capital punishment was to be inflicted; and, if so, nothing should be done in any preliminary inquiry to prevent that punishment being carried out if they came to the conclusion that the man was in a sane state of mind at the time the excecution was to take place. The Secretary of State would have the power to appoint a commission, and he (Mr. G. Hardy) would be sorry to see the commission composed wholly of doctors. For when one took up the papers and read them through, it was clear there must be lay persons to decide where doctors differed. For in the first place they had a surgeon who decided when the prisoner was committed that he was sane, and made an entry in the prison book to that effect, and afterwards the same surgeon said that the man was mad, though he believed him to be then in the same state as he was in before, but that when he made the entry in the book the man was not legally insane. Then the Commissioners of Lunacy drew a distinction most dangerous to society, for they thought the man was of an unsound mind, but that he was in such a state that he ought to be responsible for his actions. Finally, they had a commission issued, composed of most eminent and experienced men, who seemed to have conducted their inquiry with a good sense which contrasted strongly with the previous mode of inquiry, and they came to the conclusion that he was not insane when they examined him. In the old times, when an inquiry was made it was always as to the motive, but now when they got the very strongest motive, jealousy, it was said the man was mad because he had been actuated to commit a crime by the most violent of passions. If the visiting justices represented to the Secretary of State that the man was insane, and ought not to be hanged in that state, then the Secretary of State ought to appoint a commission, an independent tribunal, who should publish openly what they had heard and the result at which they had arrived, and the Secretary of State, as far as his statutory capacity was concerned, should be bound by that decision; but if he chose afterwards to advise Her Majesty to take another course he should be responsible for that advice, as he was now. With respect to the statute, the Secretary of State, for his own sake and for the safety of the public, ought to be bound by the decision of the tribunal which he had called into existence. The question was one that would not often arise, and therefore there was less reason for being in haste to decide as to the nature of the tribunal. Let there be a solemn recognized tribunal. The man having been pronounced sane by a jury and a pre-residing Judge, if a contrary conclusion was to be come to, it ought to be by a tribunal equally solemn and equally judicial; and, in that case, the right hon. Gentleman, who he believed conscientiously discharged his duty, would be relieved from a serious embarrassment, and the public would be satisfied with the decision which would be come to.

Mr. MACDONOGH said, there were two modes of correcting an error in the law, one by a declaratory Act, the other by an enacting statute. In the present case, the latter had been adopted, and in his opinion unwisely. The ground upon which the measure had been introduced was this:—The right hon. Baronet, construing the statute of the 3 & 4 *Vict.* as absolutely imperative upon him, introduced the Bill for the purpose of freeing himself from that obligation. His (Mr. Macdonogh's) opinion was very clear that the statute was not imperative but permissive, and that a discretion was left to the right hon. Baronet. That view had been confirmed by several Acts of Parliament with reference to lunatics, in which the words "shall be lawful" had received the explanation for which he contended, and in which the Secretary of State was said to be "empowered" to do so and so. If that view of the case was right, what was the result? They were now introducing a piece of patchwork. One of the blemishes attributed to our English legislation was, that whenever a fault was found we attempted to patch it up, instead of proceeding upon broad principles and with due regard to reason. The result of passing this Bill would be to give the assent of Parliament to the construction put by the right hon. Baronet upon the words "it shall be lawful," so as to make them absolutely mandatory, and they would then fall into a series of absurdities, for wherever these words occurred in statutes *in pari materiâ* they must receive an imperative construction. He would suggest that the matter might be remedied by a declaratory statute of some ten lines to this effect:—"Whereas doubts have arisen as to the construction of the words 'it shall be lawful,' in the 3 & 4 *Vict.* c. 54, be it enacted that the words shall be held to be discretionary." That was the suggestion he had to make, and if the learned Attorney or Solicitor

General was in the House he would see its force. He ventured to think that the Bill was wrong in principle, and that its effect would be to leave their legislation in a state of confusion.

Sir COLMAN O'LOGHLEN said, that he agreed with many of the observations that had fallen from the hon. Member for Leominster (Mr. Hardy), but on the whole, he was prepared to support the Bill of the Government. Still, he thought that there were some points in the proposed measure which were susceptible of improvement. The Secretary of State, on being furnished with the certificates by the magistrates, possessed absolute discretion as to how he was to act. He would have been better pleased if, instead of leaving that discretion to the Secretary of State, the measure had proposed to have made some public investigation as to the alleged lunacy of a convict obligatory, so that in the face of the public the alleged lunacy should be tested either by a jury or by some properly constituted tribunal. He regretted that the Secretary for the Home Department had thought proper to confine the operation of the Bill to England alone. In a case of such public importance, there should be uniformity of legislation for the three portions of the United Kingdom; and yet, if the Bill passed in its then shape, the effect would be, that on that subject there would be one law for England, another for Scotland, and a third for Ireland. Was the House prepared to sanction such a course? By the Scotch law, the initiative in the case of prisoners supposed to be insane is taken by the sheriff, who is authorized to call in to his assistance two medical persons, and they forward to the Home Secretary their opinion of the insanity of a prisoner. The moment that opinion is given it is final and conclusive, and the very same mischief which the Bill was brought in to remedy in respect to England might still occur in the case of Scotland. The right hon. Baronet the Home Secretary said, that there had been a miscarriage of justice in a recent case. Was the House prepared, then, to leave the law in Scotland as it is until the same miscarriage of justice occurred there? It was proposed by the present Bill that the certificate of the visiting justices should be backed by duly registered physicians or surgeons; but in Scotland the certificate of the sheriff might be backed by an apothecary. If the English Act required amendment, so, he thought, did the Scotch

Act in this respect. In Ireland the law was different from the law in England in regard to insane convicts, and applied only to persons under sentence of imprisonment. It was not applicable to persons under sentence of death, so that a prisoner there under sentence of death, becoming insane, must, if the Act were strictly carried out, be hanged, because no power was given to send him to a lunatic asylum, or else he must receive a free pardon. By the ingenuity of the Law Officers that difficulty might be got over, because the Lord Lieutenant of Ireland might commute the capital punishment to penal servitude; and then the convict, being under sentence of imprisonment, might be sent to a lunatic asylum. But that was not the way in which the law ought to stand, and when an alteration was made, the law in England, Scotland, and Ireland ought to be assimilated. He concurred with those who thought the words "it shall be lawful" in the English Act not imperative; but, at the same time, he considered that the Secretary of State was bound by the practice of the Home Office since 1840. The words in the Irish Act, however, were different, and were not imperative. He had not made these observations in any hostile or unfriendly spirit; on the contrary, he would support the second reading; but in Committee he would propose clauses to make the Bill applicable to the whole of the United Kingdom, or would place them in the hands of the right hon. Baronet if he preferred to propose them himself.

MR. SCOURFIELD said, that he had conferred with many persons whose opinions were well entitled to consideration in respect to the Townley case, and they all admitted, when asked how they would have acted had they been in the position of the Home Secretary, that they must have done just what the right hon. Gentleman did. After all that occurred, it would have been contrary to the sentiment of the country to carry the capital sentence into effect. The question before the House was, whether the present Bill should be adopted? Every one thought that its provisions were unobjectionable, but some persons conceived that it did not go far enough. In his opinion, caution was a fault on the right side in drawing such a Bill, and he was prepared to support the measure. It had been suggested that a commission should be issued, composed of legal and medical men, to determine the question of the insanity of a prisoner. The result of such an arrangement would be that the obscurity which then enwrapped the subject would be as the noon-tide sun compared with the darkness and chaos which would then ensue. The medical man and the lawyer necessarily looked at the question of insanity in different lights. The doctor was bound to consider the welfare of the patient and the mode of curing him. The lawyer, on the other hand, was bound to consider the interests of the community at large and the safety of the public. It was most important, in his opinion, that in determining who was and who was not insane the legal opinion should not be subordinated to the medical. Years ago when the excesses of monomania had risen to a very great height, nothing but determination on the part of the Judges prevented the most serious consequences that threatened to ensue. The report clearly showed that, unless the opinions there laid down by medical men were closely watched, they would be attended with the most dangerous consequences. For example, it was alleged that unconsciousness of guilt was a symptom of insanity. No doubt it might be one of the symptoms, but it was too much to say broadly that the criminal who was contrite and repentant was sane and deserving of the full penalty of the law, while another who justified his misdeeds and would not express any compunction for them should be deemed insane and allowed to escape with impunity. Again, if the tribunal were to be composed of medical men and lawyers, the question would arise—was the decision to rest with the majority? On the whole he supported the Bill, as concentrating the responsibility of the Secretary of State. He was rather puzzled to comprehend how certain letters had crept into the report. There was one from a lady who knew nothing of the case or the prisoner, except what she gathered from the newspapers, but who had been moved to give the Secretary of State some advice on the subject. She was a well-meaning and, no doubt, educated person, for she quoted the case of Lucy Ashton, in the *Bride of Lammermoor*, as bearing on the Townley affair. The Parliamentary papers were voluminous enough already, but if such letters as that were to be published, there was no saying where they would stop. The lady herself expressed a hope that she might hear no more of her communication; but that judicious wish had been disregarded. One person who had some reason to complain of the publication of that epistle was the Judge who tried the case. The lady suggested that the Judge was, perhaps, prevented by some deficiencies in his own mind from discriminating justly as to a case of insanity, and had been influenced by "the maxim only made for dastards," that, if he did not take care, he might lay down principles adverse to himself. The Judge was, fortunately, a man of so much good sense and good humour that he would doubtless bear the castigation thus inflicted on him with perfect resignation. Such letters, however, ought certainly not to be published in official papers.

Mr. DIGBY SEYMOUR said, he should be glad to know what provision there was in the Bill, for such a case as that which had suggested the measure, where a prisoner, having been certified to be insane, was removed to an asylum, and afterwards pronounced to be sane. He did not think that the Bill met that case.

Mr. HUNT said, he hoped that the right hon. Gentleman would give due weight to the objections which had been raised by the hon. and learned Member for Leominster, the principal of which was that the Bill did not draw a distinction between persons imprisoned for minor offences and persons sentenced to death or penal servitude. That was a branch of the subject which ought to be seriously considered. By the Bill, the visiting justices and two medical men were to deal with all cases, whatever the sentence might be; and so far as regarded sentences of short duration, it was an improvement on the existing law; but with respect to cases similar to the Townley case, it was hardly any improvement at all. Supposing the Bill had been law at the time Townley was convicted, what would have been the result? If it had appeared to two visiting justices and two medical men that Townley was insane, they would have given a certificate to that effect to the right hon. Gentleman. Why, what was there to have prevented the visiting justices being put in motion under the Bill if it had been then law? The surgeon of the gaol might have set them in motion, and they could not refuse to make the investigation. Suppose they had called in Dr. Winslow or any other medical man, they would have had his evidence and that of the surgeon of the gaol that Townley was insane, and would have had to send up a certificate to that effect, and then the right hon. Gentleman would have been placed in exactly the same position as he was under the existing law, except that the certificate would have had greater weight, being signed by two visiting justices, instead of two justices who might have been picked up here and there in the street. There ought to be a distinction in these cases. When a man was working out an ordinary punishment he had no adequate motive to affect lunacy, and there was no scope for the energies of those philanthropists who were always ready to save a murderer from the gallows. When, however, the sentence was of a very grave and heavy nature, such as penal servitude for a long period or death, there was a strong temptation to the prisoner to feign insanity, and to his friends to urge that plea in his favour. Hence greater precautions were required in the latter than in the former case to prevent a miscarriage of justice. He therefore trusted the right hon. Gentleman would draw a distinction between the cases to which he had referred before the Bill went into Committee. He concurred with the hon. Member for Leominster, that where a plea of insanity had been set up at the trial, the solemn verdict of a jury ought not to be overruled by the opinions of visiting or any other justices. In the case of Townley the plea of insanity had been put in, and the Judge and jury decided that Townley was sane at the time of the murder. Supposing that the certificate of two justices and two medical men had followed that verdict, would it have been satisfactory if the verdict had been set aside in that way? In all the graver cases the verdict of a jury should stand, unless some equally solemn tribunal should decide that the particular party was of unsound mind. The only case in which a new investigation should be permitted was when the prisoner became insane after the passing of the sentence. By the Bill as it stood a discretionary power was given to the Secretary of State to remove a prisoner certified to be insane, to an asylum; but what Secretary of State would venture to hang a man in the face of such a certificate? He quite agreed that the right hon. Gentleman the Home Secretary could have taken no other course than he did in Townley's case, and therefore he thought that all the obloquy which had been cast upon him was entirely undeserved. At the same time, he thought the Bill before the House would not have the effect which was intended—that of placing the law upon a satisfactory footing.

Viscount ENFIELD said, that passing by the legal aspect of the question he wished to observe that some safeguard ought to be given to the visiting justices, who would then be glad to take upon themselves the responsibility, which, if they had not that safeguard, many would shirk. If the visiting justices thought that the state of mind of a prisoner after conviction was such that further inquiry was necessary, they would report to the Secretary of State who, after weighing the whole case, would commission proper legal and medical authority to inquire into the matter. He believed that no miscarriage of justice could happen if the visiting justices were intrusted with the safeguard which the Member for Leominster suggested.

MR. MONTAGUE SMITH said, that the Secretary for the Home Department must, no doubt, have been considerably perplexed by the difficulties by which the Townley case was beset, but he had the satisfaction of knowing that ample testimony had been borne in that House to the conscientious manner in which he had discharged the duties of his office in connection with that case. He was sorry, however, to find that the proceedings in the matter seemed to have given rise to the feeling out of doors, that there was one law for the rich and another for the poor, a feeling for which there was not the slightest foundation; for, as one conversant with legal proceedings, he could safely say that if tenderness was ever shown in the administration of the law it was rather in favour of the poor man, and if rigid justice was exacted it was against the rich. The same principle, he believed, prevailed at the Home Office as in the courts of justice. The existing law not only placed the Secretary of State in great difficulty, but tended to throw suspicion on the pure administration of the law. If it was desirable to relieve the Secretary of State from the painful position in which he was placed in such cases as that of Townley, it was no less desirable that justice should be relieved from the scandal of having the solemn verdict of a jury reversed by a secret tribunal of no authority, the evidence taken before which was not published. These were the two evils for which it was sought to provide a remedy, and having looked at the Bill under discussion, he had, quite independently of the hon. Member for Leominster, come to precisely the same conclusion as that at which he had arrived. It appeared to him that the Secretary of State would be left in precisely the same position after the passing of the Bill as that in which he was before, with the exception that the Act would give him a discretion which it was then supposed to be a matter of doubt whether he did or did not possess. For his own part, he was disposed to concur in the opinion that the words of the statute were not mandatory; but be that as it might, if any one in authority supposed the matter was doubtful, and that the Act was imperative, the Secretary of State might well be pardoned for acting on that construction. But the proposed remedy was utterly insufficient. What, he would ask, would be the position of the Secretary of State when the Bill under discussion became the law of the land? He must act on a certificate from the visiting justices without any means of ascertaining whether that certificate was correct or not; and when further inquiry took place, as in the case of Townley, he would have precisely the same difficulties to contend with as then existed. But if the Bill would give the Secretary of State no relief, would its operation be satisfactory to the public? Would they like to see the verdict of a jury solemnly given, and three or four days after reversed by means of a certificate given by two justices and two medical men? He thought not, and he was therefore of opinion with the hon. Member for Leominster (Mr. G. Hardy), that there should be some more open mode of proceeding before the sentence should be even respited. Various suggestions had been made, and one was that a kind of congress of lawyers and doctors should be called; but that, he agreed, would be anything but a satisfactory tribunal. Who were to be the Commissioners? That was a great difficulty. His suggestion was, that the old constitutional tribunal of a jury should be adopted. Twelve men in the jury-box were the persons who could best decide between conflicting evidence, and not only would they be likely to decide rightly, but their decision would give a satisfaction to their fellow-citizens which could be given by that of no other tribunal. In making that suggestion he was not proposing anything which would be regarded in the light of an innovation. There were instances which bore a close analogy to the matter under discussion. Sir Matthew Hale, for instance, said, touching the plea of insanity—

> "And if such person after his plea and before his trial becomes non-sane he shall not be tried;

or if after judgment, his execution shall be spared."

He added—

> "But because there may be great fraud in this matter, yet if the crime be notorious, as treason or murder, the Judge before such respite of trial or judgment may do well to empannel a jury to inquire, *ex officio*, touching such insanity, and whether it be real or counterfeit."

The justices of Derbyshire, he might add, said, in writing to the Secretary for the Home Department—

> "In this and other like cases the prisoner has been tried by Judge and jury, acting under the sanction of an oath, aided by the counsel employed on both sides, witnesses examined and cross-examined, all in open court. We think that respect for trial by jury in criminal cases and confidence in the pure administration of justice will be seriously weakened if a verdict and sentence, following such a fair and solemn public trial, may in this or any other criminal case be interfered with by any inquiry less public and complete than the trial itself. We, therefore, most earnestly urge on you the propriety and necessity of abstaining from further acting upon this private and *ex parte* information, and of causing a full inquiry to be made into Townley's state of mind and the inquiry before referred to by some responsible authority, and in as public, fair, and complete a manner as criminal trials are conducted."

These justices had great experience in the administration of justice, and knew the feelings of their fellow-citizens, and therefore their opinions were entitled to respect. It was only in the case of prisoners sentenced to death that such a mode of investigation would be necessary. In the case of prisoners who had been sentenced to transportation or imprisonment, and who afterwards became insane, it was rather the place of confinement than the sentence which was altered; but in the case of a person condemned to death there was an alteration of the nature of the sentence. The provisions made for the case of prisoners under sentence of imprisonment were totally inapplicable to persons under sentence of death, and originally they were not applied to the case of such persons. In the case of prisoners who were sentenced to death the conflict between the verdict of the jury and the subsequent inquiry necessarily arose almost immediately, for the execution of such prisoners took place in two or three weeks. It was plain, therefore, that one inquiry was brought, as it were, face to face with the other; and it never would or could be satisfactory to the public mind, that the solemn decision of a judge and jury should virtually, if not technically, be overborne, almost as soon as it was pronounced, by a secret inquiry before justices.

MR. EVANS said, he had been a good deal concerned in the unfortunate matter of Townley, and concurred in the opinions which had been so generally expressed, that under the circumstances his right hon. Friend the Secretary of State could not have acted otherwise than he did with regard to the case, and that he had done quite right in taking the first opportunity of proposing an alteration of the law which had, in that instance, been attended with such unfortunate results. Although he admitted that there was some force in the observations which had been made by the hon. Member for Northamptonshire, and the noble Lord the Member for Middlesex (Viscount Enfield), he thought that some security against the evils which they feared would be provided by its being required that the certificate should be signed by two visiting instead of by any two justices. It was necessary that there should be some power of staying execution in the case of persons who became insane immediately before the time fixed for their execution; that, if done at all, must be done upon the representation of some one, and the persons at whose instance the Home Secretary could most properly act were those who had the superintendence of the gaol in which the prisoner was confined. As he had signed several of the memorials which had been presented to the Home Secretary, he might be allowed to say that the justices of Derbyshire were decidedly of opinion that an entirely different system, which was not at all alluded to in the Bill before the House, ought to be established for the revision of these cases. That, however, was a separate matter, and in his opinion the right hon. Baronet was right in first dealing with the manifest defects of the existing law. It was desirable that when a Judge certified that further inquiry ought to be made into the state of mind of a prisoner, some tribunal, concerning the competence of which there could be no doubt whatever, and the proceedings of which should be public, should be constituted to decide the question. Such was the opinion of all the magistrates of the county of Derby with whom he had spoken on the subject. He hoped that when the right hon. Baronet rose to reply, he would explain the meaning of the latter part of the second clause, and tell the House whether it was intended to provide that in no case in which a prisoner had been reprieved should the sentence of death be carried into execution. He, for one, certainly thought that it could not be carried out in Townley's case after the inquiries which had taken place.

SIR GEORGE BOWYER said, he was anxious to explain that he had never recommended the adoption of the scheme of a congress of doctors and lawyers. On the contrary, he had endeavoured to give some reasons why such a Congress could produce no satisfactory result. He wished also to call the attention of the House to a question which had excited considerable interest in the medical profession. The certificate in Townley's case was signed by a gentleman named Harwood, who was not a practitioner registered under the Medical Act. A doubt having occurred to the right hon. Baronet the Home Secretary whether, under those circumstances, the certificate was valid, he had consulted the Lord Chancellor, who had given it as his opinion that, although Mr. Harwood was not registered under the Medical Act, the certificate signed by him was perfectly good. Now, it so happened that the 27th section of the Medical Act contemplated the very case, and it enacted that—

> "No certificate required by an Act now in force, or that may hereafter be passed, from any physician, surgeon, licentiate in medicine or surgery, or other medical practitioner, shall be valid unless the person signing the same be registered under this Act."

There was clearly a conflict between the opinion of the Lord Chancellor and the words of that section, and he should like to hear what the right hon. Baronet thought upon the subject. The proper time to discuss the details of the Bill would be when it got into Committee. All he could say upon the second reading was that a change of the law was undoubtedly necessary, and, therefore, they were bound to support a measure which was brought forward by the Government for the purpose of remedying notorious and undoubted evils. He objected to the joint Commission composed of physicians and lawyers, because he thought that the two classes of men would, to a certain extent, act at cross purposes. The legal and medical ideas of insanity were quite different. Physicians would examine a man's sanity with reference to the existence of disease and with a view to medical treatment; while the only question which would present itself to the mind of Judges or lawyers would be, was his state of mind such that he was responsible for his actions? A man might have something morbid in the recesses of his brain, and still be sane for practical purposes, and amenable to criminal law. A man, on the contrary, who even after sentence fell into a state in which he became unaccountable for his actions, was justly exempted from punishment, being, in the words of a great authority, "sufficiently punished by the insanity with which he was visited by Providence." The only constitutional method of testing whether a man had become insane after his conviction was, in his opinion, trial by jury. But whether the fact were established by the decision of a jury or of a commission —whether the question of the prisoner's sanity arose before or after conviction— medical men ought to appear only as experts, and not as judges. The great defect of the present practice was, that medical men appeared not as witnesses, but as advocates. If called for the prisoner, their object, disguise it as they might, was really "to get him off." The question of sanity, if raised at all, ought to be treated by parties having no interest in the case other than the elucidation of truth; and he thought it might be worth considering whether the Crown ought not to appoint professional gentlemen of high standing, who would deliver their opinions officially —of course, receiving a proper remuneration.

SIR FRANCIS GOLDSMID said, that whatever might be the tribunal which the House might think fit to constitute, the difficulty in a great measure arose, both as the law stood at present and as it was proposed to be left by this Bill, from the circumstance that the decision of that tribunal might conflict with that which had been pronounced by the jury. He thought it highly desirable to prevent any such conflict of opinion; and that result might easily be achieved if the inquiry of the commission were limited to the state of mind of the prisoner after his conviction, taking it for granted that his sanity at the time the act was committed and at the time of the trial had been duly established.

SIR WILLIAM JOLLIFFE said, that though the Bill would be ample in all cases short of a capital conviction, he was convinced that the single clause to which the assent of the House was asked would neither extricate the Home Secretary from his difficulty, in cases where a sentence of death had been passed, nor would it satisfy the public mind. He felt sure that a Court or commission of inquiry, locally constituted, as the Bill proposed, would never give satisfaction, as the members of it, whether magistrates or doctors, would be influenced, or exposed to the suspicion of being influenced, by prejudices or by the solicitations of friends. He would therefore urge upon the right hon. Baronet to give that circumstance his consideration, and to endeavour to frame a clause upon a system which would admit of a proper investigation being made in cases where insanity had supervened upon capital conviction. There was another subject to which he wished to allude. The eighth section of the 23 & 24 *Vict.* gave the Secretary of State, in the cases of ordinary prisoners, the opportunity of discharging those prisoners after the expiration of their sentence, to the intent "that they should be sent to lunatic asylums." This seemed to him almost to contain a contradiction in terms, because those persons remaining insane, to use the term discharge, implied a contradiction. It appeared to him that they should be removed to their legal settlement, the counties from whence they came; and a few words inserted in the clause would meet that object, and the country would be saved the enormous expense of keeping, for an indefinite time, a great number of persons, no longer criminal, in the confinement provided for criminal lunatics.

Sir FITZROY KELLY said, they were called upon to amend the law in relation to criminal lunatics, and before they proceeded in the execution of that task it would be well to consider the course of legislation and the state of the law as it then existed. If the common law had been left untouched to its own unaided operation, he believed they should have avoided many of the evils and mischiefs of which they now complained. By the common law no man could be found guilty of an offence when it appeared that he was a lunatic at the time of the commission of that offence. If put upon his trial, and it appeared that he was then insane, the trial was at once stopped, and proceedings were adopted which allowed an opportunity for further and ultimate inquiry. The common law in such cases was assisted and carried into practical effect by the 39 & 40 *Geo.* III., by which, when a man was put upon his trial and found insane, a verdict of acquittal was to be pronounced, but power was given to the Crown to keep the lunatic in such custody as might be thought expedient during the pleasure of the Sovereign. If it were suggested that insanity existed at the time of the trial, an appeal must be made to the jury; and if the jury found the prisoner insane then a verdict was recorded of insanity, and no verdict was pronounced with regard to the commission of the offence or the guilt or innocence of the prisoner, in whose case proceedings were afterwards taken at the pleasure of the Crown, according to the exigencies of the case. The law continued in that state until the 56 *Geo.* III., passed in the year 1816. The law had already provided for cases of insanity at the time of the offence, and at the time of the trial, but no provision, at least no express provision, had been made otherwise than by the common law for insanity supervening after the trial and before the execution of the sentence. Accordingly, by the 56 *Geo.* III., and afterwards by the 9 *Geo.* IV., it was enacted that where the prisoner convicted of any offence should appear to have become insane after the conviction, and before the carrying out of the sentence, then an inquiry was to be made by the justices, and upon the report of the justices to the Secretary of State that the prisoner had become insane, the Secretary of State had to deal with the case, and send him to a lunatic asylum, with the result that if he recovered he might be remitted to custody and the sentence carried out; or he might be pardoned and liberated. But throughout the whole of these Acts of Parliament no attempt was made, and no suggestion that he was aware of was offered in either House of Parliament, that it was expedient to empower those occasional and limited tribunals to deal either with cases of capital conviction, followed by sentence of death, or with cases in which insanity was alleged to have existed, at the commission of the offence, or at the time of the trial. But in 1840 the Act was passed which they were called upon to amend, and for the first time the Legislature assented to an extraordinary provision, the effect of which, incredible as it might appear, was to enable any two justices, with the aid of two medical men, by a decision of their own, by a proceeding conducted in secret, without the administration of an oath, without an opportunity being given to the prosecutor or the Crown to cross-examine the witnesses, or to contradict or explain the evidence, to set aside and nullify the verdict of a jury, the judgment of the Judge, and even the decision of the Secretary of State himself.

It was necessary, in the next place, to

consider what the Act before them provided. They had heard something of late in that House about special pleading; but if the most astute special pleader had been instructed to draw a statute calculated to create litigation, doubt, error, and confusion without end, he could not have better performed his task than in framing the statute after the model of 1840. That statute was full of errors, and some of those errors were not corrected by the Bill under consideration. He had pointed out that under the Act of 39 & 40 *Geo.* IV., and the subsequent statutes passed in that reign, no power was given either to justices of the peace or to medical men, by any secret process whatever, to interfere with the verdict of a Judge and jury. It was the Act of 1840 which conferred jurisdiction on two magistrates and two medical men, and constituted a secret and unseen tribunal. That great and fundamental error was continued in the proposed measure. Whatever might be the right construction of the present Act, whether it rendered it imperative or only permissive on the part of the Secretary of State to remove the prisoner to a lunatic asylum, the words providing for what was to be done afterwards were clear and unambiguous. Then it was made compulsory on the Secretary of State, and on the keepers of the asylum, that the prisoner, once removed there, should remain in the asylum until a medical certificate was obtained, that he had become sane again—that is, had recovered his soundness of mind. What was the effect of that as applied to Townley's case? Having once directed Townley to be transferred to the lunatic asylum, the Secretary of State had no legal power to send him back to prison, except upon a certificate such as had not been, and as under the circumstances could not be, given. The certificate testified that he was now sane, not that he had "become sane;" for to "become sane" obviously implied that he had previously been insane. He did not blame the right hon. Gentleman for the course he had pursued in that case, although he believed that if the right hon. Gentleman, with his great legal knowledge and ability, had been guided by his own unaided and unbiassed judgment, he would have concluded that the words of the Act did not make it imperative on him to transfer Townley to a lunatic asylum. He had, however, so transferred him, acting upon the precedents and traditions of the Home Office; and, having done that, the right hon. Gentleman had again no other alternative but to send the prisoner back to his former custody upon a medical certificate, not that he had recovered his sanity—for he could not recover what he had not lost—but that he was sane, which was not what the Act contemplated. Now, the Bill before the House provided no remedy for the great and most important error in the Act of 1840. It only proposed to leave it discretionary with, instead of making it compulsory upon, the Secretary of State to act upon the original certificate of two magistrates and two medical men. He believed that capital cases must have crept into the existing Act entirely *per incuriam*, for that Act for the first time gave jurisdiction to a secret tribunal to interfere with the verdict of a jury. If they were to exclude capital cases from the operation of the Act, and to limit the discretionary power vested in the Secretary of State to cases of felony and minor offences, no great mischief would ensue should a prisoner happen to be certified to be insane when he was really sane. Either the right hon. Gentleman and every future Secretary of State would, in capital cases, determine whether or not a prisoner was insane, in which event the whole machinery of the Bill would be superfluous and useless; or he and they would adopt the certificate, setting aside the verdict of a jury, the judgment of a Judge, and perhaps the decision, as in the Townley case, of persons competent to decide and actually deciding that the prisoner was not suffering from any species of insanity which absolved him from responsibility for his acts. The proper course was to exclude capital cases altogether from the Bill, as was done in all the Acts preceding the statute of 1840.

With respect to the case of Townley, he would make a few remarks, and he did so not for the purpose of throwing the slightest reflection on the right hon. Baronet, or upon any of the parties concerned, but with the view of showing, that so long as the law allowed the Secretary of State a power of supervision—under the pretext (and he said that without wishing to give offence) of exercising the Royal prerogative of mercy—so long would the law be ill-administered, unsatisfactorily executed, and be exercised in a manner repugnant to the principles of the constitution. What had occurred in the case of Townley? A heinous murder was committed, the accused was put upon his trial before a very competent and intelligent jury, and before a Judge whom all agreed in praising for his great knowledge of the law and for his humanity. After a long and solemn trial the jury pronounced a verdict of guilty, the Judge was satisfied with that verdict, and the prisoner was sentenced to death; but in consequence of a communication from the learned Judge, the right hon. Baronet sent down the Lunacy Commissioners to inquire into the prisoner's sanity. But here he (Sir FitzRoy Kelly) would insist that no distinction could be satisfactorily drawn as to the insanity which should absolve, or the sanity which should condemn, a prisoner, except before a Judge and jury. The Report of the Commissioners, disfigured by a great deal of verbiage, which he regretted to see in it, was, in substance, that the prisoner was sane and ought to be held responsible for his acts. The Lunacy Commissioners saw no reason why the sentence should not be executed, and the right hon. Gentleman, agreeing with the Judge, with the jury, and with the Lunacy Commissioners, expressly said that he was not disposed to interfere. Then came the certificate, and the right hon. Gentleman, without inquiring as to who set the proceedings in motion which led to the prisoner's certificate of insanity, without inquiring whether it was the prisoner himself or his attorney who named and feed the medical men who signed the certificate, made himself the mere minister of that secret and unconstitutional tribunal, and at once sent his warrant to remove the prisoner to an asylum. The right hon. Baronet told the House, that by the force of precedent and the usage of the Home Office, a prisoner once sent to a lunatic asylum under warrant—no matter how procured—could not afterwards be executed. He urged this upon the House, not for the purpose of imputing a shadow of blame to the Secretary of State, but of showing the unconstitutional and mischievous character of the Home Office jurisdiction. He trusted that jurisdiction would soon be put an end to, and with that object he should shortly ask leave to introduce a measure, by which the great question of life or death should be referred to the true, constitutional, and legal tribunal —a Judge and jury. Throughout the suggestions which had fallen from hon. Members in the course of the discussion, that appeal to a Judge and jury was pointed at. In order to avoid the absurdity of acting on the certificate sent up from the country, the right hon. Gentleman was obliged to send four medical men to examine Townley in the asylum, and they reported not that the prisoner had become sane, which was what the Act of Parliament required, but that Townley was then sane. That, to his mind, was proof conclusive that the Act never contemplated conferring such powers on two justices, and that a discretion was left to the Secretary of State in the matter. The Bill before them repeated the original vice in the former Act, for under it two visiting justices, with any two medical men they might select, would have the power, in a case of life and death, of setting aside the verdict of a jury. He should object to that clause, and he trusted that when the House went into Committee the provisions of his own measure would be before the Committee. It would then be for the House to say, whether the duty of deciding in such cases should rest with the Secretary of State, or whether it should be decided by a Judge and jury, whose verdict would be conclusive on all such questions. Until the whole system of capital punishments was entirely abolished, they would not be able to get a complete remedy. Until the time should come—and he trusted it might soon come—when capital punishments would be altogether abolished, and when they might impose on criminals the next severest punishment — namely, an effective condemnation for life—these unseemly questions must arise. Till then it was their duty to look at the statute book and consider how best they could provide for justice being done. But he trusted that they would not, by passing the Bill in its then shape, perpetuate the fundamental error which had led to all the mischief—the error of including prisoners under sentence of death in a measure relating to cases of ordinary felony and misdemeanor, and which had led to that popular dissatisfaction which, with some exaggeration and much injustice, had been thrown upon the right hon. Baronet.

MR. M'MAHON said, he wished to make only one remark, that all such cases as they were discussing were provided for by the New York code, which required cases of lunacy, occurring after conviction, to be tried by a Judge and jury.

MR. ALDERMAN ROSE observed, that he could bear testimony to the anxiety always manifested by the right hon. Gentleman at the head of the Home Office, to perform his duties in all such cases with fairness and impartiality. But during the discussion of the celebrated case of Townley, another case of murder had occurred, to which public attention had been directed, and which, by its different conclusion, had given rise to the impression that there was one law for the rich and another for the poor. The second murder was one of a very mild character; and, looking to those crimes which had escaped capital punishment, it might be considered that if the wretched man Wright had had any one to advise him to plead not guilty, or to have obtained the postponement of the trial, he would not have suffered death. It should be understood that there was only one law for the rich and the poor, but he was satisfied that the working classes throughout the country entertained a strong impression that this poor man—who committed the murder on a Sunday, in a state of semi-intoxication, and possibly in the heat of passion, when provoked by a violent, exasperating woman, who, when apprehended the following morning, was so penitent that he confessed his crime, and who, when brought to trial on the Wednesday, persisted in his plea against the advice of every one in the Court, the trial following so closely the commission of the act that the first impression had not left him—would not have been executed if he had been well advised. There were extenuating circumstances in that case, and it was not surprising that when this man was hung, while another, a rich man, who deliberately planned and carried into effect the coldest-blooded murder that was ever committed, escaped, that amongst the unthinking classes there should be an impression that the rich man was more favoured than the poor. He should be unwilling to make medical men the sole judges in cases of insanity. He happened to be High Sheriff of London and Middlesex, when several important trials came before the Court, including the Palmer case, in which the medical evidence occupied fourteen days. The right hon. Gentleman had suggested that such questions should be left to a medical tribunal, but experience showed them that any amount of medical evidence was to be procured on either side. If it were necessary to have the opinions of medical men as to the soundness of a prisoner's mind, they ought to be submitted to a jury under the direction of a Judge, who might be able to distinguish between the niceties arising upon the question; and independent jurymen should be called on to say "ay" or "no" upon the point. Upon the decision of such a tribunal only would the country be satisfied whether the prisoner was responsible or not. It was argued that the difficulty in carrying out any suggestion of the kind was, that a man could not be twice placed in peril of his life for one offence; but that would not be the case, for the man's life was already forfeited before the question of sanity would be tried. With respect to the question raised by another hon. Gentleman, his experience as a public man led him to believe that it would be a great calamity if when a life had been taken by a murderer, his life should not be required.

Sir GEORGE GREY: Before I notice the remarks that have been made in debate, I must express my thanks, not only for the fairness with which this Bill has been discussed, but also for the justice, candour, and, I will add, generosity, with which my conduct has been regarded in the case out of which the necessity for this Bill arose. I think it undesirable, on this occasion, to discuss the question of capital punishment, or to go into the case to which the hon. Alderman has referred. I will only just say that in what he has said he has appeared to cast a grave imputation on a learned Judge by complaining that the trial was not postponed. If that learned Judge, with all the facts before him, had thought there would have been the slightest injustice to the prisoner in proceeding, he would have postponed the trial.

Mr. Alderman ROSE: I did not intend to cast any imputation on the learned Judge. What I said was, that an impression was created out of doors that injustice had been done.

Sir GEORGE GREY: I hope the hon. Gentleman does not share that impression. [Mr. Alderman Rose: Not at all.] With respect to the various suggestions that have been made, I should be sorry to express a very decided opinion upon them till the Bill is in Committee, though they have all been considered by us. The main suggestion made by the hon. Member for Leominster (Mr. Hardy) is this, that capital cases which were brought within the provisions of the law for the first time by 3 & 4 *Vict.* should no longer be subject to the same rule as other cases. But I must remind the House that the 3 & 4 *Vict.* did not merely include capital cases, and that without consideration, but it included, clearly and deliberately, the case of every criminal, not only the highest, but the lowest—all cases, in fact, except of prisoners confined on civil process. It also included cases of prisoners charged with an offence who have never been put upon their trial, but become insane before the time of their trial. I thought there were good reasons for including every class of prisoners in the same provisions, the effect of which would be to remove them from prison to an asylum where they might be not only in a place of safety, but where, with a view to their recovery, they might be properly cared for. The principal object of the Act was to insure the removal of pauper lunatics and prisoners from the workhouse on the one hand, and the prison on the other, to asylums with a view to their proper treatment. It has been said that there ought not to be any certificate from either visiting justices or medical men, as the effect of such certificate was to reverse the solemn verdict of a jury, which ought not to be done except upon an inquiry equally public and equally solemn.

But the real question is not whether the verdict of the jury is right. The verdict only decides that at the time of the commission of the offence the prisoner was of sound mind. In the case of Townley there were five months between the time the offence was committed and the trial. The trial took place in December, and the offence was committed in July. There was no question before the jury as to the state of Townley's mind at the time of the trial; the question was, whether he was sane when he committed the offence? The evidence adduced did not profess to go to this extent, that the prisoner was insane at the time the crime was committed; the witnesses merely spoke of the prisoner's state of mind at the time they gave their evidence; and the learned Judge subsequently called attention in a marked way to that evidence, as showing that the prisoner might have become insane since the commission of the offence. In the case of Clarke, tried at Newcastle two years ago, before Mr. Justice Willes, the prisoner was convicted, and rightly convicted in the Judge's opinion, having been of sound mind at the time he committed the crime; but doubts arose in the Judge's mind as to the actual state of Clarke's mind at the time he was being tried. The Judge, in summing up the evidence to the jury, told them however insane the prisoner may have been at the time of the trial, the jury had no right to acquit him on the grounds of insanity unless he was insane when the crime was committed. Therefore, the investigation as to the insanity of the prisoner at the time of, or subsequently to, the trial does not at all involve the assumption that the verdict is wrong or overrides the verdict. If the hon. Gentleman takes the trouble to read my letter to the Lunacy Commissioners, he will find that I excluded from the scope of the investigation any inquiry as to the state of Townley's mind at the time of the trial, and limited it to the question raised by the Judge, whether he had since become insane? Any inquiry that takes place subsequent to the verdict is with that view. It is not a reversal of the verdict, therefore, but, according to the common law of England, has the effect of interposing between the judgment and the execution. It has been suggested that the visiting justices in capital cases should not sign a certificate, having called in medical men to make an inquiry, but that they should write to the Secretary of State to inform him that they believe the prisoner to be insane, and that some public inquiry ought to take place. In introducing this Bill I explained the reasons why it was thought better the visiting justices should call in two medical men to make an inquiry, and obtain their certificate before any subsequent steps are taken. It is an undoubted fact that there is a great anxiety on the part of many persons throughout the country to rescue a man from capital punishment, and great exertions are made for that purpose. No doubt a very great pressure would be put upon the visiting justices if they were authorized, without going through the form of an inquiry, or without any medical advice, to write to the Secretary of State suggesting that the prisoner was insane; and if that was sanctioned by law, and the Secretary of State authorized to make an inquiry, there is no case in which he would not be bound to institute such inquiry, as the pressure would be irresistible. We therefore thought it better there should be some solemn and deliberate act on the part of the visiting justices and medical men previous to setting the Secretary of State in motion. The hon. Member for Northamptonshire (Mr. Hunt), would not allow any prisoner to be considered insane without a solemn inquiry before Judge and jury. My objection to such an inquiry is that it would take a long time, and I agree with the hon. Gentleman the Member for Leominster, that this would interfere with the administration of justice. If this inquiry is to be final, I quite admit it ought not to be conducted exclusively by medical men; but the mode proposed by the hon.

Gentleman might not lead to a more satisfactory result than the inquiry by the Lunacy Commission in this case, which was conducted by two laymen and one medical man, while the subsequent inquiry by four medical men was much more conclusive. If there was to be a public inquiry, the only course to take would be, where there was *primâ facie* evidence of insanity, to respite the prisoner, and then before a Judge and jury to carry on the inquiry. But then it should be borne in mind that great delay would be inevitable, and all the consequences of delay must follow. Taking all these circumstances into account, it was fully considered by the Lord Chancellor and myself, that it would be better, on the whole, to leave all the increased responsibility upon the Secretary of State, as to whether he would be justified in interfering to prevent the execution of the sentence or allowing it to take place, and to leave also to him to determine by whom any further inquiry should be made. At the same time, I should be better pleased to leave this point for further consideration in Committee.

With regard to the want of confidence expressed in the visiting justices, if that consideration is to prevail it comes very much to this—that they ought not to be charged with the responsible duties devolving on them, and thus the principle is involved of placing the administration of our gaols in the hands of a central authority. As to the question put by an hon. Gentleman (Mr. D. Seymour) whether it would be competent, under the last clause of the Bill, for the Government to order the execution of a person who having been removed to a lunatic asylum under the Bill should afterwards be certified to be sane, there can be no doubt that under this clause, and under the existing law also, the Secretary of State would be justified, technically and legally, in directing the sentence to be carried into effect; but, as I said on a previous occasion, there is no instance of that having been done. The hon. Baronet opposite (Sir George Bowyer), had asked a question as to the fact of the registration of the surgeons, which might have turned out to be of some importance. It was a fact, that one of the medical men who had signed the petition in Townley's case was not registered as a surgeon, though he was registered under the Act; but, as I have said before, having communicated with the Lord Chancellor, and taken into consideration the fact that he had acted for forty-three years as a surgeon, and that he had been frequently in the habit of signing such certificates, we came to the conclusion that the certificate was correct. Had the Commission, which I afterwards appointed, certified that the prisoner was insane, a question might possibly have been raised as to the validity of the removal under the certificate, but that question cannot arise now. To make the matter perfectly clear for the future, this Bill provides that the physician or surgeon signing the certificate must be registered as such under the provisions of the Medical Registration Act. The hon. and learned Member for Clare (Sir Colman O'Loghlen), alluded to the state of the law in Ireland and Scotland. I am quite aware of the provisions of the law in both those countries; but if I had attempted to make the law uniform in the three kingdoms it would have involved the consolidation of a great many statutes, would have occupied a great deal of time, and would have made it impossible to apply the prompt remedy which was needed. In Scotland and Ireland there are no visiting justices. The law in Scotland is very similar to what it now will be in England. The certificate must be given by the sheriff, who is a judicial officer; there is, therefore, no fear of his being set in motion by any improper influence; and he is instructed to call to his aid physicians and surgeons. In Ireland, there is clearly a discretion left to the Lord Lieutenant. But I am quite ready to admit that the whole subject of criminal lunatics is not in a satisfactory state. The review of the whole law would be very desirable, but it would have to be preceded by a protracted inquiry. This improvement of the law will not in the least degree prevent the consolidation of the various existing Acts, so as to render the law as uniform as the different machinery existing in the three kingdoms will allow. There seems to be a general concurrence in the second reading of the Bill, and I shall say no more than that in Committee I shall be ready to consider any suggestions which may be made by hon. Gentlemen; and I hope, that at no distant period, we shall see the law placed on a footing which will effectually prevent the repetition of any such case as that which has recently occurred.

Motion *agreed to.*

Bill read 2°, and *committed* for *Friday.*

CONVEYANCERS, &c. (IRELAND) BILL.

[BILL 5.] SECOND READING.

Order for Second Reading read.

MR. O'HAGAN (THE ATTORNEY GENERAL FOR IRELAND) said, he would shortly explain the objects of the Bill. The certificated conveyancers were a body of professional men who were largely consulted on matters of business in Ireland, and the sole test of whose position was that they had taken out a certificate. It was manifestly of the highest importance that these persons should be properly qualified for their duties. By a late statute, the 22 & 23 *Vict.* c. 157, persons who were conveyancers in England were not permitted to receive certificates unless accompanied by an order or permission from the benchers of an inn of court, and he proposed by the measure to assimilate the law of Ireland to that of England. A regulation of that sort, indeed, was more needed in Ireland even than in England. In this country, conveyancers properly so called were always barristers below the bar. In Ireland the certificated conveyancers were in many cases solicitors' clerks and other uneducated persons often of a very humble position. He therefore proposed that conveyancers should not only have the certificate for which they paid, but an order from the benchers of the King's Inns in Ireland, who should have an opportunity of arranging the conditions upon which that order should be obtained. The object of the Bill was to prohibit persons from practising as conveyancers without having, in addition to the certificate, an order from the benchers of the King's Inn at Dublin.

MR. M'MAHON said, the effect of the Bill, he thought, would be considerably to lessen the number of persons practising as certificated conveyancers in Ireland, and thus limit the number of advisers to whom the public might look for assistance in legal matters. He would therefore suggest to his hon. and learned Friend to extend the provisions of the measure by enabling any person who had obtained a certificate from any inn of court in England to practise as a conveyancer in Ireland. In the second clause, he found a provision which he thought very dangerous. If that clause became law no one could draw a lease in Ireland under a penalty of £20, unless he were an equity draftsman, a pleader, a certificated conveyancer, an attorney, or a solicitor. He (Mr. M'Mahon) should move the rejection of that clause in Committee.

MR. GEORGE thought the hon. and learned Gentleman who introduced the Bill deserved great credit for endeavouring to remedy what had long been considered a great grievance, and he concurred in thinking it desirable that power should be given to the benchers in Ireland to define the proper qualifications for persons who desired to practise as conveyancers and equity draughtsmen. He had received communications from persons in Ireland connected with every branch of the legal profession, and they highly approved the introduction of the Bill.

Bill read 2°, and *committed* for *Friday*, 26th *February*.

MALT FOR CATTLE BILL.—[BILL 6.]

SECOND READING.

Order for Second Reading read.

Moved, "That the Bill be read the second time."

SIR HENRY STRACEY said, that he could not allow the Bill to be passed without making a few comments upon the measure; because he should not like his constituents to suppose that he received the Bill in the same way as the majority of the speakers who had, on a former occasion, addressed the House upon it. His hon. Friend the Member for East Suffolk, had thanked the Chancellor of the Exchequer for the great benefits which the Bill would confer upon the agricultural interest, and other hon. Members had spoken in a similar strain. He could not himself coincide with those hon. Members; for, in his opinion, the Bill was nothing more than a sop given to close the mouth of the farmer, who justly complained of the burdens on land. He believed that the credulity of hon. Members had been practised upon, when they were induced to believe that great advantage would be derived from the Bill. The hon. Member for Derby (Mr. Bass), however, was one who did not think that there would be any great benefit to the farmer; and he also said that he thought that the revenue would be injured. The hon. Member further added, that he had had a correspondence with Professor Liebig, who was by no means an advocate for the measure, and another hon. Member had read the Professor's letter, as to the blood-making and fattening qualities of malt. But the utmost encouragement which Professor Liebig gave was that malt might possibly be easier of digestion than barley, and might, therefore, be of a more fattening quality. All the matter lay in a nutshell—was it worth the farmer's while to malt his barley? He declared that it was not. The best barley the farmer could sell at a remunerative price, and consequently he would not malt that; and as for inferior barley the farmer could now by grinding and mixing it with oilcake, turn it, at a most trifling cost, to a useful purpose in feeding pigs and cattle. In his opinion it was thus turned to a better account than the farmer would secure from building malting houses, and placing himself under the supervision of the excise. He conceived it to be absurd to talk of danger to the revenue from the Bill, because he believed that little or none of this malt would be made. Still, he would vote for the second reading, because he regarded it as a perfectly innocent and harmless measure. It was a mere ministerial mixture, intended to throw dust in the eyes of the farmers; and to cause them, at the next general election, to look favourably upon the candidates who supported the Ministry which had brought in the measure. He gave the right hon. Gentleman much credit for his address in introducing the Bill.

Mr. BRISCOE said, he for one thanked the right hon. Gentleman for the introduction of the measure. He had always thought it a great hardship on the British farmer that he was unable to malt a particular produce of his land for fattening his own cattle; and therefore he considered that the Government had acted well in introducing this Bill, if merely as an experiment. He could only say that one of his constituents, whom he happened to meet very recently, spoke of the measure as a great boon, and expressed a hope that, through its means, he should be able to fatten three oxen for every two, and five sheep for every three he now fattened.

Mr. PACKE said, in discussing the Bill they were placed under a disadvantage owing to the absence of the right hon. Gentleman the Chancellor of the Exchequer, who had charge of it. He (Mr. Packe) was sorry not to see him in his place, but he hoped that some Member of Her Majesty's Government would report to the right hon. Gentleman what was said during the debate, and that he would consider the suggestions which Members might make for the improvement of the Bill. He looked upon the Bill as only a trifling mitigation of the burdens which fell upon land; it was but a diminutive instalment of what the British farmer was entitled to. At a time when cereal produce was under a great depression, and the loss of cattle from disease had been very serious throughout the entire of England, the farmers might reasonably expect something more than duty-free malt for feeding their cattle. He would give the Bill his support on the second reading; but he wished to suggest that in the very title of it, and the words used throughout, there was a defect, which if it remained in its present shape would prevent the right hon. Gentleman from carrying out the entire object which he proposed to effect. It was called "The Malt for Cattle Bill." Now, cattle generally were taken to be beasts, and that definition excluded sheep, pigs, and farm horses. If the right hon. Gentleman proposed to extend the benefits of the Bill to farm stock generally, he ought not to use the word cattle, but ought, to avoid misapprehension, to substitute for it agricultural stock. If the right hon. Gentleman intended that all farm stock should be benefited, the alteration which he (Mr. Packe) suggested was only a verbal one, which did not affect the principle of the Bill.

Mr. POLLARD-URQUHART said, he thought that hon. Gentlemen opposite rather undervalued the boon likely to be conferred upon the farmer by the Bill of the right hon. Gentleman. Many farmers who would otherwise be disposed, during the present low prices of corn and high price of meat, to try what they could do with their grain in feeding cattle, were now unwilling to boil and mix it for fear of a visit from the exciseman. The measure would enable such persons to experimentalize. He admitted, however, that as soon as the state of the revenue allowed, the agricultural interest had a right to something more than this concession. There was no reason why they should not then receive the total repeal of the malt duty; but meanwhile they ought to be obliged to the right hon. Gentleman, because science, when applied to agriculture, taught them that the more the produce of a farm was consumed upon the farm the better.

Mr. BENTINCK (the Chancellor of the Exchequer having just entered the House) said, if any proof were wanting of the very small importance which the right hon. Gentleman the Chancellor of the Exchequer appeared to attach to the measure, it might be found in the fact that he did not condescend to be present at the early part of the discussion upon it. He agreed with the hon. Gentleman opposite (Mr. Pollard-Urquhart), that under free trade the very existence of a malt tax was an absurdity. Under a system of free trade it was a monstrous outrage on all justice. At the same time, he (Mr. Bentinck) could not admit that the right hon. Gentleman was entitled to receive the gratitude of the country for the Bill. The right hon. Gentleman had misconceived the wants of the agriculturists in their agitation for the repeal of the malt duties. Aware of that agitation he had brought in the Bill; but what the agriculturists wanted was not this miserable measure. What they wanted was the total repeal of the malt duties. He did not say that this could be obtained for them now. This would be asking too much. But any measure which intervened to prevent such a result, was to be regarded by them as a hostile proceeding. He (Mr. Bentinck) ventured to anticipate that that hostile proceeding on the part of the Government would be taken, and he was not astray in his predictions. The right hon. Gentleman had tried what might be called a sop in the pan. But his sop in the pan would not answer the purpose for which it was intended. The right hon. Gentleman had been so determined an opponent to the interests of agriculture, that it was worthy of remark that he was now showing symptoms of leaning in an opposite direction. Now he (Mr. Bentinck) did not suppose the right hon. Gentleman had changed his nature; for though his opinions might change, his nature remained the same. The present change, however, was remarkable. The right hon. Gentleman had found himself compelled to admit the necessity for some alteration, and with the great ability and the great ingenuity for which the right hon. Gentleman was remarkable, he had set himself to find some mode of shelving the question of the repeal of the malt tax. That was the object of the Bill. The right hon. Gentleman proposed to deal with certain restrictions, but it was not on the ground of restriction that those who attended anti-malt tax meetings complained. What they complained of was the entire nature of the tax. If the right hon. Gentleman supposed that by the paltry measure before the House he would palliate or mitigate the mischief, or conciliate those who suffered from the tax, he was greatly mistaken, and he had mistaken the feeling of the country. There was another point in which he had mistaken the feeling of the country: it was that he proposed the intervention of that most objectionable person — the exciseman, in a more objectionable shape than ever. One of the things which rankled most in the minds of those who were affected by the malt duties was the intervention of the exciseman, and yet that was the very thing which was perpetuated by the Bill, and if it became law the farmer would be saddled with the exciseman in a more inconvenient and more inquisitorial manner than ever. In Committee the objections to the details would be more fully pointed out; but he must point out that the right hon. Gentleman, according to his usual practice, encouraged adulteration. The right hon. Gentleman seemed to like the adulteration of a pure commodity; his mind took that turn; and the process of adulteration was congenial to his feelings. The right hon. Gentleman had tried his hand at adulterating coffee, and was now about to try his hand on malt. But even that feature of the Bill would fail to meet the object which the right hon. Gentleman had in view. Moreover, the Bill, though it was described as an experimental one, threw upon the farmers such additional expenditure for new buildings, that nothing but the certainty that it would be permanent as well as advantageous would justify the outlay. Again, the Bill proposed to put every person who came under the benefit of the Bill in the position of a licensed maltster; but the House must ask the right hon. Gentleman to do away with that proposal. It was something, perhaps, that they had at last obtained from the right hon. Gentleman an admission of the injustice to which the agricultural interest was subjected by the retention of the malt duties. The hope was not almost desperate that they might look forward to the time when on other grounds their interests might be thought worthy of further consideration by the right hon. Gentleman. He was afraid, however, it was almost asking too much of the right hon. Gentleman. He believed that the present Bill, so far from being advantageous to the agricultural interest in its working, would do more harm than good; and if the right hon. Gentleman thought such a Bill would do away with the agitation for the repeal of the malt duty, he ventured to say that the right hon. Gentleman would be mistaken. So far from its being a stop to agitation, it would add fuel to the flame. It was not, however, in that place that the battle must be fought—it was at the hustings. When the rural districts awoke to the fact that they required an enlarged representation, there would be some hope of redressing the grievances under which agriculturists laboured.

SIR EDWARD DERING said, he regretted to find that the Bill had not been appreciated at its full value by hon. Gentlemen opposite. The Gentleman who had just sat down appeared, from the general tenor of his observations, to have combatted it in a hostile speech, rather than to have accepted it as a boon, so far as it went, to the agriculturists. [MR. BENTINCK: Hear, hear!] He thought there could be no doubt the Bill was a very fair instalment and indication that the right hon. Gentleman was disposed to favourably consider the claims of the agriculturists and give them relief. The Bill, in the first instance, proposed to relieve them from what had been considered for years as one of the most vexatious restrictions to which they could, by any possibility, be subjected. It would open out a fresh branch of manufacture, and in so doing it would add materially to their wealth, by giving a feeding quality to two-thirds of the barley produce of the country, which was now unavailable for brewing purposes. He was quite aware that a very wide difference of opinion existed between practical and theoretical men as to the amount of benefit which was likely to accrue from the conversion of barley into malt for feeding purposes, and there could be no doubt that until it had been largely tested no adequate reliable information could be obtained. He believed they might attribute, with justice, great efficacy to the feeding qualities of malt. It was well known that in the neighbourhoods of distilleries large quantities of cattle were taken in for the purpose of fattening upon the wash or refuse; and so high an opinion did prize cattle associations entertain of its fattening qualities, that in many instances they debarred candidates from feeding their animals upon it, in order that no unfair advantage should be taken of those who had not the means or the opportunity of availing themselves of it. If, therefore, distillers' refuse or wash was so valuable, of how much greater advantage would it be if agriculturists could avail themselves in feeding their cattle with malt retaining the whole of its inherent saccharine property. Mr. Fisher Hobbs, who was the winner of more prizes probably than any other living man, in a speech recently delivered at Lincoln, accounted for the superiority of his animals by stating that, whatever food he gave his cattle, he always topped them up with malt. So far as he had had an opportunity of judging, the present measure was likely to give general satisfaction to the agricultural community at large, and he hoped it would shortly become the law of the land.

MR. MORRITT said, that they had a Liberal and Free Trade Government; they were in the enjoyment last year, and he hoped they would this year also have, a surplus of revenue over expenditure; and they were blessed with a Chancellor of the Exchequer who was always telling them how advantageous it was to mitigate taxation without destroying revenue. The right hon. Gentleman told them that the reduction of taxation did not always lead to a reduction of revenue, but on the contrary, of tenled to increase. Seeing these things—without going so far as his hon. Friend the Member for West Norfolk (Mr. Bentinck), he could not see why they should not forego two-fifths of the malt tax, and still not lose our revenue. He read in the report of a speech recently delivered by the President of the Board of Trade, that the country, in spite of all the distress under which we had been labouring for the last two or three years, was progressing steadily in wealth and prosperity. In 1861, he said, our exports were £113,000,000; in 1862, they were £115,000,000; and in 1863, notwithstanding the suffering from the cotton famine and the war in America, our exports were £130,000,000; therefore he could not say we were in any way badly off for money. It was, then, strange that with all those circumstances a free trade Government, a flourishing exchequer, and the country in the highest state of prosperity under such distressing circumstances they should maintain a tax which fell most heavily, he would almost say unjustly, on some particular classes. He was not standing there to badger or bully the Chancellor of the Exchequer, though from what he had seen of Parliamentary debates it was usual to do so, about everything he wished to do. He was willing to believe the right hon. Gentleman acted from a *bonâ fide* desire to do good, and to give him credit for looking to the welfare of the country; but he was often too clever and too ingenious for them, and he thought he had been so in the present instance. He must, however, take exception to the Bill for its own sake. In the first place, he agreed with the hon. Member for Derby (Mr. Bass) that it was a Bill that would certainly lead to fraud. It seemed to tempt the honest agriculturist, and he took it as a compliment to them, for this was a Bill that would almost make rogues of any set of men. The Bill must of necessity lead to fraud. A man went to an enormous expense in building a malthouse or converting a building into one, with his name painted on it in magnificent characters, as they had been told, showing that he was a licensed maltster; but how were they to know he mixed the one-tenth linseed with the malt unless they had a large staff of excisemen throughout the country? So far, then, from the Bill being a step in the right direction, in his opinion it would prove "a let-off, a hindrance, and a stumbling-block" in the road they wanted to go—namely, for a mitigation of the duty on malt. The laxity of the right hon. Gentleman the other night in conceding five years instead of three, was rather a proof of what he now asserted, because it would shut their mouths two years longer. The agriculturists were quiet, good-natured, easy-going people, not gifted with the eloquence of many representatives of large boroughs; and possibly the Chancellor of the Exchequer, in casting a retrospective glance over his past career, may have thought that perhaps he had not acted well towards the agriculturists, and owed them a good turn, and that although he had not taken off the duty on paper to curry favour with a particular class, yet he hoped if the agriculturists would pay fairly for a few years longer, he would be able to consider what he could do for them. The plan now proposed could not be carried out without promoting, and even encouraging, fraud. It would be easy to mix linseed with part of the malt only, and to sell the remainder for other purposes: and the hon. Member for Derby (Mr. Bass), a good authority on the matter, had told them how easy it was to adulterate malt, and he also hinted a doubt whether the admixture of one-tenth of linseed with malt would make bad beer. Although this Bill might be thought by some persons to be a step in the right direction, yet he believed it to be a hindrance to further progress; and, so far from stopping the agitation, he thought it would increase until they had obtained the abolition, or at least the reduction, of the malt duty.

Mr. RICHARD LONG said, that whatever opinions might be entertained as to the exact value of the Bill before the House, there could be no doubt that it was a gallant and straightforward effort of the right hon. Gentleman opposite, to redeem the conditional pledge he gave last year to many hon. Members, leading agriculturists, and others, who came to him to press upon his attention the whole subject of the Malt Tax, and more especially the grievous injustice which this Bill was intended to remedy; and he, for one, begged to thank the right hon. Gentleman for so promptly redeeming his pledge. He confessed, however, that he was one of those who, when first hearing of the Bill, felt great surprise, not to say suspicion, considering the quarter from which it came. But the right hon. Gentleman would, perhaps, allow him to say, that it gave additional point to the old adage, that "it is never too late to mend;" and he hoped, that now the right hon. Gentleman had come out in a new character, the agriculturists might look, not in vain, for some of those "blessings" of which they had heard so much, but felt so little. But he would ask leave to recommend the right hon. Gentleman not to stop where he was, but manfully to grapple with the larger question of the Malt Tax. He was convinced it could be removed, by the substitution of a tax upon beer and a graduated scale of licences on brewing. If the right hon. Gentleman would seriously consider these suggestions, which he begged with all humility to offer, he was convinced that he would be able—and never more easily than at present—to remove an unjust tax from the shoulders of one of the most loyal and deserving classes of Her Majesty's subjects, to cheapen the production of meat, and to satisfy hon. Members on both sides of the House, without material damage to the revenue.

Lord ROBERT MONTAGU said, the debate had taken an impractical turn. The hon. Member for Norfolk (Mr. Bentinck), had called the tax a "monstrous absurdity," and had expressed his desire for a total repeal of it. Now, every tax was undoubtedly a hardship. Every tax necessarily lessened the luxuries of the poor and curtailed the income of the rich. It was therefore easy to make out a case of grievance against any tax. He should very much rejoice if the tax could be repealed, so that people might brew their beer at home, and drink it at home, instead of going to the public-house. But how was that to be done ? How were they to get rid of five millions of taxation ? His hon. Friend had expressed a strong opinion the other evening against reducing the armaments, he would not consent to a reduction in the army or the navy ; then how were they to get rid of taxation ? Were they to put it on the income tax ? If so, it would amount to another sixpence in the pound, and that would be found disagreeable, not only to the farmers, but to every other class of society also. An increase in the charge for licences and a duty upon beer had been suggested by the hon. Member who had just sat down. But the result of such measures would be to press upon the agricultural class, whom it was desired to relieve. A duty upon beer, or an increased duty on licences, would increase the price of beer. The money would still be paid by the consumer. He did not see how they could get rid of £5,000,000 of taxation, and those who desired to take a practical view, must not tell them to get rid of it, but show them how to find a suitable substitute for it. He was always amused to hear the hon. Member for Norfolk speak of the Chancellor of the Exchequer ; but on that occasion he had imputed most unworthy and undeserved motives to him. The right hon. Gentleman had received a deputation whose arguments appeared to have had no effect, until a farmer from Suffolk suggested the case of a man who had exported sheep from Cambridge to Boulogne ; who had also exported malt, receiving the drawback of duty ; and who had afterwards sent back the sheep when fattened to compete with the animals fattened in this country under the disadvantages of the malt duty. That point appeared to stagger the right hon. Gentleman, and no doubt he saw the real hardship of which he intended the Bill as a relief. There was one blemish in the Bill—the increased interference of the exciseman. One of the restrictions was, that a certain amount of linseed meal was to be mixed with the barley. How were they to know whether that was done ? The exciseman must enter the house, and be ever on the watch. That was his only objection to the Bill. Additional excisemen would also be required to perform the duty, and that would create an additional expense. Again, if, as had been stated in the debate, cattle could be as well fattened on ground barley as upon malt, it was not easy to see the hardship which used so often to be complained of by the agriculturists. He thought they had made a mistake in bringing under the consideration of the Chancellor of the Exchequer such an argument. For he had taken them at their word, and given them what they had claimed. He felt it desirable to trouble the House with these few remarks, and he trusted that they had been of a practical character.

Sir FRANCIS CROSSLEY said, he believed that it was a mistake to suppose that the malt tax pressed unfavourably on the agricultural interest. He believed that it did not press upon the agricultural interest—but upon the consumers of malt ; and such was the opinion of many eminent agriculturists. Wheat was being sold for almost what it cost to produce, while barley was a profitable crop. If the malt duty were repealed, inferior barley would be imported from the Continent to compete with English barley. With respect to the Bill before them, he believed that malting barley would not add to its qualities for feeding purposes, but it might add a quality which would render it more acceptable to cattle. The addition of a little malt would probably make other food a little more palatable to cattle, and there might be something in the saccharine matter to render its addition useful ; but the representations he had received from Yorkshire maltsters led him to believe that their trade would be very much interfered with by the Bill. If they had to pay the duty on malt they feared they would find it very difficult to sell it against that which had not paid duty. As to the chance of fraud, would there not be found some riddles sufficiently fine to be put in requisition, so that what came through the sieve would do very well for fattening cattle, while what remained on the other side would do for beer ? He feared the Chancellor of the Exchequer, if he expected to have his revenue from malt undiminished, would be disappointed. He also thought farmers would be obliged to look sharply after the pockets of their labourers, as the tendency of the Bill would be to produce dishonesty in the country. Altogether, he looked on the measure with great suspicion. It was fraught with danger in many respects, and he certainly was not sanguine as to its results.

Mr. HENLEY said, he had no intention of going into the general question of the malt duty, though it was a tempting subject after some of the observations that had been made. He should confine himself to the Bill before them, with one exception. It was not a very gracious thing to "look a gift horse in the mouth," but he did not believe for a moment that the Bill would relieve the vexed question — and vexed it was — whether malt was or was not beneficial in feeding cattle. He did not believe the Bill would go at all to that point, and for this reason. No one would contend the difference was very great, and the various opinions expressed on all sides showed it could not be the case. He wished the Government had given them the result of the experiments which he believed were made last autumn—he believed they were made, but he might be misinformed. But what was the case ? This malt must be manufactured as a specialty ; it would be made in premises where nothing else was manufactured ; it was also to be mixed with another article in a particular manner. For manufacturing such a specialty, a tradesman must have considerable profit, because he could not be certain of the amount of trade he would have. That would enhance the price of the article in addition to any provision he might make against the penalties which, doing anything under the direction of the excise, must necessarily carry with it. Therefore, the expense of malt so mixed would be greatly enhanced to what it would be if the trade was free. If the agriculturist were allowed to perform the process himself he would soon find out whether malt was best for feeding cattle, ground as now, and whether it should be given steeped or dry. The doing away of the malt credits had shut up a good many malt-houses, and farmers would have to pay through the nose for linseed. The maltster must get a profit, and he might mix some very curious articles with his malt instead of linseed. It was impossible to say what might be used. It was doubtful whether adulteration would not take place to a considerable extent, and if the cattle did improve by the feeding, it would be impossible to tell whether it was attributable to the malt or the linseed. An hon. Gentleman who spoke before him said the malt duty was a consumer's question. He would like to ask the hon. Gentleman if his constituency would like to have a tax on all produce that came out of their mills instead of a farthing being charged to each consumer. The malt tax was a consumer's as well as a producer's question, and it was difficult to tell in what proportion it affected the one or the other. This Bill might be of some advantage, he did not say whether it would or not ; but the right hon. Gentleman could not expect—he would be disappointed if he did—that the measure would tend to settle the question, which involved so large an amount of revenue.

Mr. MARSH said, he thought if the Bill did little good it would do no harm. The trade in malt, however, should be perfectly free. The article might be charged with duty only when made into beer. There might be a slight loss on the revenue in consequence of the measure, but he should not object to that, provided the people had good beer. He believed that the Bill would not cause much loss to the Exchequer. The machinery existed for levying the duty on malt when made into beer. All public brewers were bound to give notice to the excise when they were going to mash a quantity of malt, and no great difficulty could arise from the operation of the Bill. As to the objection that the Bill might lead to illegal brewing, it should be remembered that beer could not be brewed without giving to the surrounding country the smell of what was going on, and nothing could be so easy as to levy a tax on beer.

Mr. DUTTON said, he feared the measure would turn out to be a dead letter. At the same time, he gave the Chancellor of the Exchequer full credit for his good intention in introducing the Bill. The Bill provided for a great experiment—that of fattening cattle by means of malt. The first condition, however, of making an experiment was that it should not be expensive. But in the Bill there were eight conditions, any one of which was sufficient to deter a man from making the experiment. He should be inclined to call the Bill "A Bill to prevent the experiment from being made." Linseed cake was an article, the price of which varied from £5 to £12 or £13 per ton; it would, therefore, be at the option of the maltster to use a good article, or what was comparatively deleterious. He did not think that the Bill would afford much inducement to labourers to steal malt, for beer could not be made with it without the use of hops. He was not so sanguine of the beneficial result of the measure as many hon. Members seemed to be, but he should not oppose the second reading.

Sir FITZROY KELLY said, he felt disposed to accept the Bill in a spirit of thankfulness. There were several provisions which were open to objection, but they could be dealt with in Committee. He submitted that it was not desirable that the Committee should be appointed at so early a period, as that hon. Members would be debarred from all opportunity of ascertaining the views and opinions of those who were practically acquainted with the subject.

MR. BARROW said, he also thought it was desirable that the discussion in Committee should be postponed till an opportunity was given to hon. Members for communicating with the practical men among their constituents. He thought that the Chancellor of the Exchequer was to be thanked, not for introducing the measure, but for admitting that the farmer was hardly dealt with in not being permitted to use his own materials for the purposes of his own trade. The Bill, he was afraid, would not do much good. It was a bone thrown to a hungry dog, but there was little flesh on it. He wished to ask the Chancellor of the Exchequer, whether he thought the provisions of his measure would operate as a prohibition on the excellent practice, followed in some places, of germinating barley without drying?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I shall begin by adverting to one or two points purely incidental and separate from the general discussion. The hon. Member for Nottinghamshire (Mr. Barrow) asked me whether this Bill involves a prohibition of that which is at present granted to all persons—namely, the power of carrying the conversion of their grain into malt up to a certain point, provided it does not proceed so far as kiln-drying. I am not aware that there is any reason why the liberty given by this Bill should interfere in any manner with any other liberty at present enjoyed under the regulations of the Excise. Then, the right hon. Member for Oxfordshire (Mr. Henley) said he wished the Government had laid before the House the results of the experiments which have been made under their direction during the autumn, with respect to the use of malt in the feeding of cattle. The results of those experiments will be made known at the earliest possible period, but they are not at present in my hands. I am sure, however, that the right hon. Gentleman will feel that, whatever might have been the results of those experiments, unless they had amounted to an absolute negative—which they could not have done —they could not have constituted a reason why, on the grounds on which I have based this Bill, it would not have been my duty to submit it to the House. I have also been asked to allow further time before going into Committee. The day on which I had purposed going into Committee was next Wednesday week, that being a day which is not at present much engaged with business; but I am entirely in the hands of the House, as I have no desire to press forward this Bill. There is no public interest connected with the Exchequer which requires me to hasten it, but my motive for not wishing to delay it too long was that when once Supply begins, which it must do next week, the Government will have but a limited portion of time at its command; and, for various reasons, I did not think it would be satisfactory to have unnecessary delay in passing the Bill into law. Therefore, I propose to appoint the Committee for Wednesday week; but, at the same time, if any general desire is intimated to me for postponement beyond that period, I shall not stand in the way of it. I am glad that this Bill has been so fully discussed, and that there has been so free an expression of opinion upon it. The Government has no reason to complain of the very courteous and indulgent manner in which the measure has been received in every quarter. I hope the House do not suppose that I have introduced it under any notion that it is to work a magical effect either in one direction or the other. In bringing forward the Bill, I did not endeavour to present it to the House with a flourish of trumpets, as a measure which was to be of wonderful and universal efficacy. I submitted it as an experiment which was worth trying, and which it was our duty to permit to be tried, provided we thought it could be tried without fatal risk to the revenue. That is the point in which I am chiefly interested, for if any serious evil were to accrue to the revenue I should undoubtedly hold myself deeply responsible. It is with reference to the interests of the Exchequer that the restrictions in the Bill have been introduced. Our desire has been to reduce those restrictions to the lowest point compatible with security. When we go into Committee, and the details of the restrictions are considered, it may be found that they may be still further amended; but as regards the substance of the Bill I should not be dealing fairly with the House if I were to hold out expectations that the provisions connected with the supervision of the Excise may be materially altered. Those provisions are essential in any experiment of this kind, if we are not to adopt the principle that all manipulation of malt shall be free, and that the revenue shall be raised on beer.

Nothing could be more agreeable to a Chancellor of the Exchequer than to convert the malt duty into a beer duty, provided he found it to be consistent with the essential demands of his office. More than one Chancellor of the Exchequer has looked anxiously at that question, and endeavoured to satisfy himself that the thing was practicable; but there have been several obstacles in the way. One has been the question of private brewing, and the difficulty of determining whether it would be possible to induce the community to pay duty upon beer brewed within the dwellings of private persons. That is a most serious difficulty. Recollect what happened in this House when we had the commutation of the hop duty under consideration. At that time I felt it to be my duty to the public brewers to propose that we should charge a licence for the use of hops in private breweries; but the proposal was generally objected to in this House. The brewers said they could dispense with it, and I was glad to withdraw it. Yet what was the nature of the licence duty I proposed on the use of hops? It was not a duty involving inquisition or supervision of any kind. It was a duty of a fixed amount, or rather of two fixed amounts, having no reference to the quantity of hops which each particular person might use, but founded entirely upon the rental of his premises, and rather being of the nature of an assessed tax. Yet even in that mild form the tax was generally objected to. How much more would it be objected to if we were to levy a duty upon beer brewed in the dwelling of a private gentleman? Such a duty could not be disposed of by a reference to rental. It would require minute supervision, and it would have to be regulated with reference to the quantity and strength of the beer.

But there is another difficulty. It is felt on all hands that the supervision of the Excise is a burden and an impediment, if not a grievance, to trade. The wish of Parliament and the Government has always been to reduce that supervision to the minimum, to bring it to bear in as few cases as possible, and to make it operative upon as few persons as possible. What would happen if the malt duty were converted into a beer duty? Instead of having the Excise supervision established upon a body of some 7,000 or 8,000 maltsters, we should be obliged to fasten it upon 40,000 brewers, besides all those who brew in their own private premises. These are difficulties of a most formidable kind; and I cannot say that I am prepared to make a proposal which I am afraid would only be to ask the House, to use an old homely phrase, to jump out of the frying-pan into the fire. Some hon. Gentlemen have threatened that under the operation of this Bill the malt duty may disappear; others again have warned me not to expect by means of this Bill to mitigate or get rid of the agitation for the repeal of the malt tax. Well, as regards security against loss to the revenue I hold myself responsible; but as to the agitation for the repeal of the malt tax, I have not felt it my duty to inquire what effect the measure might have on that agitation. Hon. Gentlemen will be perfectly free, if they choose, to continue in their old course on that subject. I am not very sanguine myself in the belief that the time is near at hand when a reduction of this duty can be brought about. It is impossible to forget, first, the enormous amount of revenue involved in this tax; and next, that still more weighty consideration, the amount of revenue levied from articles which come into competition with the product of malt. Upon beer we levy a duty amounting on the average to, perhaps, 20 or 25 per cent of the value; on spirits, a duty of 400 per cent; and on wine—and particularly on the description which competes with beer—a duty of, putting it moderately, from 50 to 100 per cent. Then, leaving strong liquors, take the case of tea. On tea we still levy a duty of not much less than 100 per cent, and also on the sugar mixed with it a duty of some 60 per cent. It is impossible, then, to say that the duty on malt can hold the first place in the demands for further reduction while it stands related in that manner to these competing duties, independently of the immense revenue raised from malt. There are some distinguished politicians in this House who in other respects have conferred great service on the country, and who hold that all Excise and Custom duties are bad, and that all our revenue ought to be obtained from direct taxation. I am sorry to say that I am not able to keep company with them on these matters.

I will state to the House in a few words the history of this question, and how this Bill stands related to the general fiscal policy pursued of late years. For many years past there has been a fixed conviction, both on the part of the Legislature and of successive Governments, that it was desirable to get rid of the system of Excise wherever the thing was practicable. It is a fact in English history that the introduction of that system was odious to the community. And although things are borne from use which can hardly be borne when novel, yet I think it is a just, and certainly it has become an established principle for us to reduce to the utmost the operation of the Excise system on the production of commodities. To that principle I ascribe the abolition of the duties on soap, leather, bricks, glass, paper, and other articles. But there was a point at which we were obliged to stop. Our fiscal system absolutely involves the levy of large sums from strong liquors; and I do not pretend to see how that principle is to be eradicated from it. Nay, more, I frankly own I do not desire it. I do not speak of the use of beer as a practice which ought to be restrained by taxation; but, we must consider the use of beer in its connection with the tax on spirits; and I hold that it is not a bad policy to restrain the use of spirits by taxation up to the point at which you are met and counteracted by the smuggler. However, I do not think the Government of this country ever entertained the idea of being enabled to liberate spirits or even malt liquor from taxation. But we encounter this difficulty. First as regards spirits, because the tax on them is so much more onerous. Spirits are distilled not merely for ordinary consumption, but for the purposes of trade. There are various branches of industry in which the use of spirits is either essential or important; and the heavy duty on them was long felt by the manufacturer to be a grievance. We were met, as we were at many other points in our efforts to relieve foreign articles from Customs duty, by this argument from the home producer:—"My rival abroad produces an article without paying a duty on the spirits he uses, whereas I am liable to a duty of 300 per cent on mine." Well, it happens that the resources of modern science have been enlisted in the service of the Government in these matters; and a department is now attached to the Board of Inland Revenue which I believe is deserving of our most implicit confidence. The business of that department is to try what can be done by the application of exact science to improve the machinery of taxation; and we can hardly tell how many improvements, how many relaxations of our fiscal system, is due to its operation. Ten or fifteen years ago it was proposed as a problem for that department to discover, if possible, a mode by which ardent spirits should be entirely spoilt for the purposes of consumption as a beverage, and yet left in an efficient state for the purposes of manufacture. Under the late Mr. John Wood—one of the best of our civil servants—these inquiries were brought to their completion; and a Bill was introduced into this House to permit the use of methylated spirits in manufactures. That use is now made generally lawful, and, as a consequence, both the trade and the distiller have been benefited; and, on the other hand, our manufacturers are relieved from a grievous burden on an article employed in their industry. Well, precisely in the same way experiments have been lately made as to the free use of malt for feeding cattle. For a long time it had been a *desideratum* in the Revenue Department to discover a means by which some admixture might be made with malt of such a character as would render it in no degree less wholesome for feeding cattle and yet unavailable for beer. Hon. Gentlemen came to the House and said—and the hon. Member for Derby (Mr. Bass), one of the greatest practical authorities, says—that the use of linseed cake, admixed with malt, would probably not disable malt from being employed in the production of beer. My answer to that is, that, while it would be the greatest presumption for me to offer any opinion of my own on such a question, I have great confidence, founded on the result of much experience, in the precision, the comprehensiveness, and the certainty of the results which have been come at by the chemical staff attached to the Inland Revenue Board. In the case of methylated spirits the difficulty was exceedingly great, because, whereas the premium upon evading the law in regard to malt will be some 30 or 40 per cent, that in respect to methylated spirits was 300 or 400 per cent, and yet the difficulty was successfully overcome. In the case of tobacco, again, with which this House dealt last year, similar results have been attained through the skill and knowledge of the scientific department. Well, admitting the present Bill to be an experiment, but being assured by those whose duty it is to advise us, and whom, judging from former experience, we think we can trust, that we may allow this freedom to the farmer in feeding his cattle without any appreciable risk to the revenue, we could not stand in our places and look in the face those who ask for this remission without saying that we are prepared to make the experiment. That is the long and the short of the matter. It is not for me to say whether this privilege will be embraced extensively or not; but I confess that I am more sanguine than the right hon. Member for Oxfordshire (Mr. Henley). I do not believe, from the information I have obtained, that the expense attending this experiment will be so great as the right hon. Gentleman supposes; and, moreover, I have seen so much suppleness, ingenuity, and resource on the part of the British tradesman where he has an object to accomplish, that I know he often makes light of obstacles which to others may seem insurmountable. I confess that I think the Report read to us the other evening from so high an authority as Baron Liebig goes to show that the experiment will be worth the making. Since that Report was read I have had a communication from a gentleman, perhaps second to Baron Liebig—I mean Dr. Lyon Playfair, who takes exactly the same ground, and admits, that while the effect of malting barley is to diminish the sanguifying ingredients, on the other hand it makes them more soluble and accessible; and therefore, either with reference to feeding as a whole, or with reference to feeding in certain states of the animal, or in combination with other articles of food, this process may produce, if not a primary, at least a very important secondary article of diet for cattle. I think the experiment is, at all events, one of sufficient importance to make it well worth trying, and one to which it was our duty to invite the sanction of the House.

Mr. BENTINCK, in explanation, said, that he had never stated that he was going in for a repeal of the whole of the malt duty. He had objected to the Bill on various grounds, as he thought it would not have the effect of putting a stop to the agitation for the repeal of the malt tax. He, however, distinctly stated his belief, that under present circumstances, the repeal of the malt tax was wholly impossible until the rural districts had obtained a full share of Parliamentary representation.

Mr. NEWDEGATE said, he hoped the right hon. Gentleman would give a full opportunity to the intelligent farmers of England to express their opinions on this measure.

Motion *agreed to.*

Bill read 2°, and *committed* for *Wednesday*, 24th *February.*

The Chancellor of the Exchequer

COLLECTION OF TAXES BILL.

[BILL 7.] SECOND READING.

Order for Second Reading read.

Moved, "That the Bill be now read the second time."—(*Mr. Chancellor of the Exchequer.*)

Sir BALDWIN LEIGHTON remarked, that he did not think sufficient provision was made for special meetings of the Commissioners.

Mr. HENLEY said, he did not see any sufficient provision for the supplemental assessments and surcharges. There was a strict machinery for the assessments, which were to be handed over to the collector between April and Michaelmas. The supplementary assessments were going on through the winter quarters, and he did not see any provision to meet these difficulties.

The CHANCELLOR of the EXCHEQUER said, he agreed with the hon. Member for Shropshire, that there ought to be a provision for special meetings of the Commissioners, or for the purpose of allowing a longer period for those meetings. The general effect of the clauses would be to produce a great improvement. The assessments would be made with greater rapidity, and sufficient time would be given for the appeals, which would be heard before the collection took place, whereas now they could not be heard before the collection became due, and therefore the parties appealing had to go through another process—that of getting back their money if the appeals were allowed.

Motion *agreed to.*

Bill read 2°, and *committed* for *Friday*, 18th *March.*

WAREHOUSING OF BRITISH SPIRITS BILL.

LEAVE. FIRST READING.

Warehousing of British Spirits,—*considered* in Committee.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER said, he wished to move for leave to bring in a Bill "to amend the laws relating to the warehousing of British and Foreign spirits duty free." The Bill was intended for the accommodation of trade.

Motion *agreed to.*

Resolved,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Laws relating to the Warehousing of British Spirits."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Chancellor of the Exchequer, Mr. Peel, and Sir William Dunbar.

Bill *presented*, and read 1°. [Bill 19.]

INSOLVENT DEBTORS BILL.

Bill to facilitate the discharge of Insolvent Debtors in certain cases, *ordered* to be brought in by Mr. Paull, Mr. John Locke, and Mr. M'Mahon.

Bill *presented*, and read 1°. [Bill 20.]

FORFEITURE OF LANDS AND GOODS BILL.

Bill to abolish the Forfeiture of Lands and Goods on convictions of Felony, *ordered* to be brought in by Mr. Charles Forster, Mr. William Ewart, and Mr. Locke King.

Bill *presented*, and read 1°. [Bill 21.]

WATCHING OF TOWNS (IRELAND) BILL.

Bill to provide for the better Watching of Towns in Ireland, *ordered* to be brought in by Sir Hervey Bruce, Sir Frederick Heygate, and Captain Stacpoole.

Bill *presented*, and read 1°. [Bill 22.]

House adjourned at half after Ten o'clock.

HOUSE OF LORDS,

Tuesday, February 16, 1864.

SAT FIRST IN PARLIAMENT,

The Lord Brodrick, after the death of his Brother.

THE LORD CHANCELLOR'S AUGMENTATION ACT.

RETURN PRESENTED. OBSERVATIONS.

The LORD CHANCELLOR said, that in laying on the table the Returns which he promised the other day, under the Augmentation of Benefices Act, he would take the opportunity of giving a more correct answer to the questions which were put to him by his noble and learned Friend. He found that he had succeeded in selling thirty-seven livings; there were under negotiation, many of which would be soon sold, fifty-three more; and inquiries had been made in respect to eighty-five other livings. The Act did not come into operation until the 1st of November, and some time elapsed before its principles became generally understood. The purchase-money of the thirty-seven livings finally sold was £65,300, and therefore that sum represented the amount of benefit which the Act had already been the means of conferring on the Church. Of the £65,300, £37,850 had been paid into the Bank of England, and the remaining £27,450 was represented by amounts to be secured by rent charges, by land, and sums of money which had still to be paid. The total amount paid to the Ecclesiastical Commissioners was £16,800. As examples of the prices which he had succeeded in obtaining, he might mention that one living, the net income of which was £261, fetched £5,000. Another living, the net income of which was £197, the incumbent of which was very old, fetched £3,500. Another, where the net income was £214 and the incumbent aged fifty-eight, fetched £3,000. Among the smaller livings, one of £16 12*s*. 3*d*., the incumbent of which was seventy-two, fetched £550. He was sure their Lordships would be pleased to know in what manner the provisions of the Act were being carried out, and the disposition that there was to confer benefits on the Church.

The Earl of DERBY: The statement just made by the noble and learned Lord is highly satisfactory. Will the noble and learned Lord allow me to ask him, whether any livings have been sold under the arrangement which I took the liberty of suggesting, under the 23rd section?

The LORD CHANCELLOR said, he was obliged to the noble Earl for reminding him on that point. He had only succeeded in selling one living under the twenty-third section, and he was afraid he should be under the necessity, in the course of the Session, to submit to their Lordships some modification of the section. There were, however, negotiations going on for the sale of three more livings under that section.

Return laid before the House (pursuant to Act) of all Sales, &c., under the Lord Chancellor's Augmentation Act, up to February 15th, 1864. (No. 12.)

UNITED STATES. BRITISH AND AMERICAN CLAIMS.

MOTION FOR RETURNS.

The Earl of CARNARVON rose to move for "Returns of Claims made by British Subjects upon the United States'

Government, sustained either in Person or Property since the Secession of the Southern States, specifying how and the grounds on which such Claims have been disposed of; and to ask for any further Information as to Claims made by the United States' Government upon Her Majesty's Government for Damages alleged to be done to American Ships by the *Alabama* and other Confederate Cruisers." The noble Earl said:—My Lords, the notice which stands upon the paper in my name divides itself into two parts. In the first part I ask for a return of all the claims made on the American Government by British subjects for injuries sustained either in person or property since the commencement of the civil war, and for which the Federal Government is deemed responsible. I presume there can be no real objection to this part of the return. It is not open to the objection sometimes made, that it may prejudice negotiations in progress, because it is simply a summarized statement of the particular claims which have been made, and the grounds on which they have been accepted, rejected, or disposed of by the American Government. I can easily understand that it may not be quite practicable to make that return complete or precise; but I shall be satisfied if it is an approximate return, and puts the House and the country in general possession of the facts. I can easily believe that under the peculiar circumstances of the United States' Government many claims may have arisen to which many counter claims and objections may have been made, and which require the most grave and serious consideration; and I should be the last person to show any want of forbearance to the Government of a country situate as the Government of the United States is. Wherever we can safely assume a *bonâ fide* intention on the part of the Federal Government to do that which is right, we ought not to be very minute in marking that which has been done amiss. With regard, too, to those British subjects — and the case is by no means an unfrequent one—who have gone out to the United States within the last few years with the intention of acquiring the rights of American citizens, and consequently of divesting themselves, as far as lies in their power, of their nationality and allegiance to the Crown, and have only been prevented from carrying out that purpose by recent events — though they may not have wholly forfeited the protection which the British Crown extends to all its subjects everywhere, still they do not come into court with a very satisfactory case, and do not possess a very strong claim on the consideration of Parliament. But in the case of persons who are clearly British subjects, and who on mere suspicion have been arrested, put into prison, subjected to indignities and hardships—sometimes even imperilling their lives — Her Majesty's Government, I think, are bound to require the amplest compensation and redress at the hands of the Federal Government. Then, again, there is another class of British subjects who are in a position to make claims for redress. There are British subjects who are engaged in a legitimate trade, and who, while acting in conformity with international law, have nevertheless seen their ships condemned in American Prize Courts on principles which, if correctly reported, are of a very questionable nature. I have, indeed, always thought that we, who in former wars have jealously maintained certain principles of international jurisprudence, ought not to depart from those principles now that our position is reversed, and we have become neutrals instead of belligerents. But, at the same time, if the statements we have received of the judgments in the American Prize Courts be correct, there can be no doubt that neutral rights are almost brought to the verge of extinction. I will not now go into that question; but there are two cases on which I must say one word. The first is that of the *Saxon*, which must be familiar to all your Lordships, inasmuch as it has already appeared in every newspaper. If that case be correctly reported, it appears to me one of the most monstrous that has ever appeared before Parliament. That ship was an English ship, and was taking in a cargo at an island at no great distance from one of our settlements on the coast of Western Africa. It is said that the island (Angra Pequena) had been annexed by proclamation to the Cape Colony in 1861 by Sir George Grey, but that that proclamation had never been confirmed by the Colonial Office. I believe that, looking to the practice of the Colonial Office, it will be found that proclamations of this sort have not been ratified sometimes till one, two, and three years afterwards. But, however this may be, the ship was taking in her cargo, and on the point of sailing, when she was boarded by an armed boat's crew from a Federal war vessel the *Vanderbilt*. The captain was sent down, and the American lieutenant ordered the crew below. The mate of the *Saxon* was going down the ladder when the lieutenant pushed him on the shoulder, and as the unfortunate man turned round to see who it was that touched him, the American officer drew a revolver and shot him dead. If this statement be true, there certainly never was a more wanton, atrocious, or barbarous murder committed on the high seas. The captain of the *Vanderbilt* is said to have expressed his regret at the occurrence; but I hope that the Government will require something more than a mere expression of regret. The only compensation which can satisfy the honour of the country and the justice of the case is to bring the offender to speedy trial, and to execution if the case be proved against him. This transaction took place in the middle of September—five months ago. It is hardly a case which can require much communication or negotiation; and I hope therefore that the noble Earl will be able to lay the correspondence on the table, or name an early day for its production. There is also another case to which I wish to call the attention of the House; and in doing so I will take the opportunity of asking the noble Earl a question with respect to it. I see it stated in the newspapers that a Confederate vessel, the *Tuscaloosa*, has been seized by order of the Government in Simon's Bay, near the Cape of Good Hope. That ship is referred to in the papers recently laid before Parliament, and she is stated to have been a Federal ship originally, captured by the *Alabama*, and converted into an armed tender to that vessel. She appeared at the Cape last year, when the United States' Consul demanded that she should be detained. The Governor, however, did not consider himself at liberty at that time to take that course. The facts were brought under the consideration of Her Majesty's Government, and this is what the noble Earl wrote on the subject—

> "As regards the *Tuscaloosa*, although Her Majesty's Government would have approved the British authorities at the Cape if they had adopted towards that vessel a course different from that which was adopted, yet the question as to the manner in which a vessel under such circumstances should, according to the tenour of Her Majesty's orders, be dealt with, was not one altogether free from uncertainty. Nevertheless, instructions will be sent to the British authorities at the Cape for their guidance in the event of a similar case occurring hereafter, and Her Majesty's Government hope that under those instructions nothing will for the future happen to admit of a question being raised as to Her Majesty's orders having been strictly carried out."—*Correspondence*, No. 1 (1864), p. 43.

It is, no doubt, under the instructions here mentioned, that the authorities of the Cape acted when they arrested the vessel, and I trust that the noble Earl will have no objection to lay them on the table.

I come now to the second part of my notice, which refers to claims put forward by the United States' Government upon the British Government for damages alleged to have been done to American ships by the Confederate cruiser, the *Alabama*. Your Lordships have doubtless seen the Correspondence relating to the *Alabama*, which was placed upon the table of the House a few days ago. It is not long, but it contains matter of serious importance. It comprises five different series of applications from Mr. Adams on the part of the United States' Government. The first application was made on the 19th of February last year, and was presented in consequence of the destruction of the *Brilliant* and the *Manchester*, and repayment was demanded for the value of the cargo and the ship, with interest thereon. On the 9th of March the noble Earl replies to Mr. Adams, and disclaims all connection with the *Alabama*, and all responsibility for the mischief she may have done. On the 29th of April another claim was made by Mr. Adams on account of the destruction of the *Golden Rule*, which was simply acknowledged by the noble Earl. Again, a third application was made on the 7th of July, and on the 13th of July the noble Earl returned an answer referring to his first despatch, and again disclaiming all responsibility for the acts of Confederate cruisers. On the 24th of August there came another claim for the destruction of the ship *Nora* by the *Alabama*; and I should like to read to your Lordships the description there given of the *Alabama*. The owners of the ship, in their memorial to Mr. Seward, say—

> "The vessel calling herself the Confederate States' man-of-war *Alabama* is an English vessel, and no other. . . . . The said steamer was allowed to leave port under the pretence of making a trial trip, and has never been in any port of the so-called Confederate States, so as to change her flag, or to be otherwise than a British vessel. . . . . Your memorialists would further represent that said steamer, after thus fraudulently leaving the ports of Great Britain against the Queen's proclamation of neutrality, repeatedly visited or came within the jurisdiction of certain British islands in the Atlantic Ocean, when and where it was well known and patent to the world that she had destroyed American vessels on the

high seas; and instead of being seized and detained by the British Government, as they were in duty bound to do, was allowed every facility for obtaining supplies and advice and to resume her piratical cruise. . . . . In view of these matters, and of others which may be made to appear, your memorialists do now and for ever enter their solemn protests against the British Government and people as willing parties, negligently culpable in the destruction of their property on the high seas, and thus in first violating the proclamation of the Queen by building and manning said steamer, and then allowing her to continue her depredations."—p. 17.

These are the terms in which the *Alabama* is described, and in which the claims of the American marine are urged upon the British Government. A few days after the noble Earl repeats his disclaimer, and winds up with the hope—very properly expressed, I think—that no such claim may ever be brought under the consideration of Her Majesty's Government again. But the application to which I would call the especial attention of the House is that referred to in a letter from Mr. Adams, dated the 23rd of October. In this letter Mr. Adams renews the charges he had previously made with regard to the depredations of the *Alabama*, and then proceeds—

> "Upon these principles of law and these assumptions of fact, resting upon the evidence in the case, I am instructed to say that my Government must continue to insist that Great Britain has made itself responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the vessel called the *Alabama*."—p. 27.

I would ask your Lordships to observe the similarity of that language with the language used in the despatch of the 11th of July, which has been so much spoken of. There is, however, this difference—that in the letter from which I have just quoted Mr. Adams proceeds to qualify his language in these terms—

> "In repeating this conclusion, however, it is not to be understood that the United States incline to act dogmatically, or in a spirit of litigation. They desire to maintain amity as well as peace. They fully comprehend how unavoidably reciprocal grievances must spring up from the divergence in the policy of the two countries in regard to the present insurrection. They cannot but appreciate the difficulties under which Her Majesty's Government is labouring from the pressure of interests and combinations of British subjects, apparently bent upon compromising by their unlawful acts the neutrality which Her Majesty has proclaimed and desires to preserve, even to the extent of involving the two nations in the horrors of a maritime war. For these reasons I am instructed to say that they frankly confess themselves unwilling to regard the present hour as the most favourable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question. Though indulging a firm conviction of the correctness of their position in regard to this and other claims, they declare themselves disposed at all times, hereafter as well as now, to consider in the fullest manner all the evidence and the arguments which Her Majesty's Government may incline to proffer in refutation of it; and in case of an impossibility to arrive at any common conclusion I am directed to say there is no fair and equitable form of conventional arbitrament or reference to which they will not be willing to submit."—p. 27.

On the 26th of October, three days afterwards, the noble Earl, in answering that despatch of Mr. Adams, uses these words—

> "You add, further on, that the United States frankly confess themselves unwilling to regard the present hour as the most favourable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question."—p. 42.

Up to that despatch I entirely assent to nearly every word used by the noble Earl in this Correspondence. I had felt persuaded that it contained not merely the drift, but the plain view, of the intentions of Her Majesty's Government. It appeared to me that from the first the noble Earl had declined all responsibility connected with the building of the *Alabama*, and with the depredations which she was alleged to have committed. Nothing can be plainer and more complete in every way than the noble Earl's language; but after all this the noble Earl ends by accepting the proposal for an arbitrament.

EARL RUSSELL: No.

THE EARL OF CARNARVON: At a future period?

EARL RUSSELL: No.

THE EARL OF CARNARVON: The noble Earl says "No;" but, on reading the despatch from which I have just quoted, can any one come to any other conclusion than that the noble Earl did accede to the proposal for arbitration at a future period? Mr. Adams asks for arbitration, and the noble Earl says—

> "With this declaration, Her Majesty's Government may well be content to await the time when a calm and candid examination of the facts and principles involved in the case of the *Alabama* may, in the opinion of the Government of the United States, usefully be undertaken."

I very much regret, whatever may be the intentions of the Government, that the noble Earl ever used such language as that. Arbitration applies to a question in which there is some doubt; but if there is a perfectly clear right—a perfectly unquestionable one—then men do not arbitrate. If, indeed, Her Majesty's Government feel any doubt as to the propriety of the position which they had taken throughout the previous correspondence, let them say so. It is never too late to go back if one has committed an error. And here I must observe that the noble Earl did on one occasion use an ominous expression—namely, that the case of the *Oreto* and the *Alabama* was a scandal and a reproach to English law. If the noble Earl is decided and clear in his opinion he had better say so. If he believes that those claims are founded neither on reason nor on justice, then he should hold out no shadow of hope that they can by any possibility be admitted. But it is unwise to endeavour to tide over a present difficulty by creating a much greater one for a future time. I would urge upon Her Majesty's Government, as far as my feeble voice can do so, to bring this matter to a conclusion. I entirely agree in the opinion expressed by the noble Earl in his earlier despatches, that there is no ground for those claims; but it would be even better to admit and satisfy them, at whatever expense, than to allow the matter to run on unsettled and indefinite, and at length to be compelled to undergo the humiliation of retracting the words you have said. My Lords, I cannot see that there is any practical advantage in leaving a question of this sort unsettled. There are two classes of politicians, as this House must know, in America, who look at this matter from different points. One class—composed of, I believe, honest men, but men holding, very mistaken views—are convinced that the *Alabama* sailed from these shores through the fault and negligence of Her Majesty's Government, and hold us accountable for the damage which she has done to the American marine. The American estimate of the amount of that damage is a very heavy one. I do not at all make myself responsible for its accuracy — but according to that estimate, 148 American ships were destroyed or bonded from the time of the sailing of the *Alabama* to the 30th of June, 1863. The tonnage of those ships is stated to be 61,292 tons, which, at a valuation of £10 per ton, amounts in money to a loss of £612,920. To this is added a sum of £20 per ton, making a total of £1,100,000 as the value of the cargoes, and a sum of £700,000 for Chinese cargoes, which bring up the entire loss to £2,412,920. I do not know whether this is a correct estimate; but there can be no doubt that great injury has been inflicted on American commerce. This is shown by the heavy rates for insurance now prevailing, and by the considerable sale of American ships, which has recently taken place, to other nations. Well, my Lords, this class of politicians to whom I have already alluded, are smarting under a strong sense of personal injury, and they urge their claims against our Government in no measured language. And I must say that the Government of America, from whatever motive, have so lent themselves to their views that hereafter, when this sum has rolled up into a very much larger one, it will be absolutely impossible for that Government to restrain the machinery which they themselves have put in motion. I therefore think it is most important that Her Majesty's Government should bring this matter to a settlement one way or the other. But there is a second class of American politicians, and they make no secret of their object;—they have openly and avowedly said that they will wait until the embarrassment of England shall be America's opportunity, when they will be ready to resort to hostilities in order to wipe off some fancied national humiliation. This should impress upon the noble Earl the importance of at once settling this question. And, my Lords, in our political intercourse with America, if there be any conclusion which we ought to have drawn from past history, it is this—that it is the policy of English statesmanship to limit these debateable questions, and not allow them, either from accident or design, to be kept open. You might number up a score of those questions, which, by being kept open, have affected very considerably the good relations between the two countries, caused great irritation both here and in America, and at times threatened very disastrous consequences. Such were the questions of Maine boundary line, of the Oregon line, and of the fishery controversies. Not many years ago, a dispute arose with regard to the boundary line at Vancouver's Island. The island of San Juan was taken possession of by a hot-headed American officer, and it was only owing to the exercise of great tact and forbearance that hostilities were averted. Now, it should be the object of good statesmanship to put an end as soon as possible to all these questions of debate and litigation. But in these despatches—whether intentionally or no I do not know—the noble Earl holds out, in order to tide over the present difficulty, some vague and shadowy hopes of means by which differences may be reconciled. But I warn him to beware, lest he thus deliberately create, in order to relieve himself from present embarrassment, a difficulty which may be ten times as formidable and ten times as dangerous as a fishery or a frontier dispute, inasmuch as it will be backed by stronger material interests, founded on personal considerations, and in all probability supported by an unreasoning mob. The noble Earl then moved an Address for

> "Return of Claims made by British Subjects upon the United States Government, sustained either in Person or Property since the Secession of the Southern States, specifying how and the Grounds on which such Claims have been disposed of."

EARL RUSSELL: My Lords, the noble Earl seems to suppose that I shall have no difficulty in granting the first part of his Motion, relating to the returns of claims mutually made by the United States Government and the British Government in respect of injuries sustained since the secession of the Southern States. Now, so far as Her Majesty's Government are concerned, there will be very little difficulty in giving any information that is asked for as to representations which have taken place on the part of the Government; but when I consider the public utility to be served by this Motion, I cannot encourage the noble Earl to press it. The fact is, that these despatches upon cases arising from time to time, and almost from day to day, become formidable in point of extent. I saw in the Foreign Office to-day a volume—not, indeed, a very thick one, but one of several folio volumes, many of them exceedingly thick—which are said to contain about half of the returns which the noble Earl moves for. Now, I ask, what would be the advantage of producing, what would be the advantage of printing, for this House, such a voluminous return of cases that have arisen between this country and the United States? I am quite sure that my noble Friend would hardly think of pressing a Motion of such a character. And if there is no advantage in it, there may be some disadvantage; because, if hereafter there were to be any Commission on these claims, the American Government would probably take the evidence which had been laid before Parliament as complete with respect to them. They would say, "There is your case. It has been laid before the Foreign Office; it has been presented to Parliament and printed, and it is impossible to go beyond it." If, therefore, these cases were printed, and a Commission on claims were hereafter appointed, persons who had claims, and who were prepared to produce further evidence in support of them, might be precluded from the full benefit of that evidence. I cannot, therefore, think that there would be any advantage in producing this voluminous mass of papers. The noble Earl seemed to think that our commerce was nearly extinct. [The Earl of CARNARVON dissented.] I took down the noble Earl's words, and he certainly said that our commerce on the southern coast of America had been brought almost to the verge of extinction. Now, to what do these words apply? It is known that this trade of blockade-running has been a most profitable trade, that great fortunes have been made by many persons in carrying it on, and that Nassau and some other places have swarmed with vessels which had never previously been seen in those ports. That a great number of vessels have been stopped by the American cruisers I readily admit. The noble Earl says, that the Judges of the Prize Courts in the United States have given decisions some of which are not based upon principles of international law. Now, I say here what I have frequently had occasion to say before, that we are bound in the first instance to accept these decisions; and I think the complaints which have been made very often arise, and naturally arise, from ignorance of the principles of international law as laid down by Lord Stowell and other great jurists in this country. It has been many times complained of, that a vessel bound from this country to Nassau should be captured on her voyage while upon the high seas, and should be sent for adjudication before an American Prize Court. Evidently the persons who make that complaint think it quite sufficient if the nominal destination was Nassau, and do not take into consideration the circumstance, that if Nassau was not the ultimate destination, but it was merely meant that the vessel should touch at Nassau, and then, without transhipment, carry her cargo into the blockaded port, that vessel, according to the principles laid down by Lord Stowell, would be liable to capture. But it is natural that this should be forgotten when for so many years these belligerent rights have been in abeyance; and the result is, that many of the persons who have employed their capital in this manner are severe sufferers. With regard to the *Saxon*, we were advised that that vessel was taken not in British, but in foreign waters. The noble Earl says that the Law Officers of the Crown must have been completely wrong, because it was quite sufficient if the Governor of the Cape had declared the island of Angra Pequena to be a British possession. Now, I do not think that we should be guided by such a declaration in an analogous case. Suppose that on the coast of Africa a slaver was taken by one of our cruisers near an island, it would not be sufficient to prevent the capture by the statement that the Governor of the neighbouring French or Portuguese settlement had declared that island to belong to France or Portugal. We should say at once, "Have the French and Portuguese Governments confirmed that declaration?" and if they had not we should hesitate to acknowledge that the island belonged to either country. The argument which we should use ourselves, we ought to accept from another nation; and acting, therefore, on the opinion of the Law Officers of the Crown, I did not assert that this vessel had been wrongfully captured. What was affirmed by the American captors was that the *Saxon* had received from the *Alabama* and the *Tuscaloosa* part of the spoil which they had taken from American vessels. The noble Earl refers to what appears to us, if the information we have received be accurate, to be the wanton and barbarous murder of the mate of the *Saxon.* All that we could ask in such a case was that the person accused of that crime should be tried, and should be brought as soon as possible before a tribunal in which the charge could be fairly examined into. That, accordingly, is the demand which we made. The noble Earl says it was no satisfaction that the captain of the *Vanderbilt* expressed his regret. But I do not know what more he could do. He did not order that the mate of the *Saxon* should be killed. He had no concern in the murder, but when he heard of the occurrence he expressed his regret. He could not immediately order a trial and have the man convicted and executed.

THE EARL OF CARNARVON: Did the captain order the man under arrest?

EARL RUSSELL: That is a point upon which we have no information. But certainly I do not think it an injury that the captain expressed his regret at the occurrence. I believe it is stated in the newspapers that the man was afterwards put under arrest; but that is only a newspaper report. With regard to the *Tuscaloosa,* that vessel was captured by, and was a prize to, the *Alabama.* The Law Officers of the Crown gave it as their opinion that she should have been detained, and orders were sent out in conformity with that opinion. She has now been detained, and it will be for the noble Earl to show that the Law Officers were wrong in that opinion, and that upon grounds of public law known to himself Her Majesty's Government should have taken another course. I now come to the noble Earl's statement with regard to the *Alabama,* and I cannot say how much I feel indebted to him for enabling me to clear up a misconception which, as it has affected his mind, may also have affected others in the same way. My Lords, Her Majesty's Government have always maintained that they were in no way responsible for the hostilities against the merchant ships of the United States committed by the *Alabama.* We have maintained that position from the beginning; we shall maintain it to the end. The noble Earl seems to suppose, that in a letter of mine of the 26th of October, I admitted that these questions would afterwards be referred to a Commission. My Lords, I admitted nothing of the kind. I stated then, as I have always stated, that Her Majesty's Government was not responsible for the acts of the *Alabama.* The United States' Minister may have in view some kind of commission or arbitration; but Her Majesty's Government have never consented, and never would consent, to a commission or arbitration. According to all the principles of international law, Her Majesty's Government are in no way responsible for the doings of the vessel referred to. There has been a question of a Commission, but we have always thought that a Commission would be of no use, because the United States' Government would be sure to propose that the case of the *Alabama* should be referred to the Commission, and it is quite impossible that we could consent to that. Therefore, we have never proposed what under ordinary circumstances would be a proper course—we have never proposed a Commission to consider the respective claims of the subjects of each country, and which the United States' Government intimated they were ready to agree to, because we knew that it would be proposed to include the case of the *Alabama,* which we were determined not to consent to. I say, therefore, the Government may well await the time when a calm consideration of the principles involved in the case of the *Alabama* can be given. Every one is aware that for a long time there has been great excitement in America upon the subject of the *Alabama;* that she has been called "a British pirate," and the American nation has been roused to anger against this country for the doings of that vessel. I say, that when the United States' Government say they do not wish to press that question further now, it is fair to believe that a time may come when the United States' Government, considering all the precedents laid down by their own Judges, as well as by British Judges, will be satisfied that they have no claim against this country on account of the *Alabama.* My expression was not intended to convey the notion that the British Government would change their minds, but that the United States' Government would change theirs when the excitement of the moment had passed away. Therefore, I go on to say—

> "The British Government must decline to be responsible for the acts of parties who fit out a seeming merchant ship, send her to a port or to waters far from the jurisdiction of British Courts, and there commission, equip, and man her as a vessel of war."

And I further say, that if

> "An admitted principle was thus made elastic to meet a particular case, the trade of shipbuilding in this country would be seriously embarrassed."

The noble Earl, in a manner unaccountable to me—for it never, from the time I wrote that letter until now, occurred to me that such a meaning could be applied to it, and that it could be understood as admitting a future examination of this case—the noble Earl says it is desirable that these cases should not be kept open, but that they should be settled at once. I quite agree with him that they ought to be settled at once, if there is any amicable way in which they can be settled. The American Government says, "We have a clear and undoubted case for reparation on account of the *Alabama.*" We say, "We have a clear and undoubted case for refusing reparation in the case of the *Alabama.*" Who is to be the arbitrator unless we resort to that method of arbitration which the noble Earl thinks I agree to? In no way can this question be settled unless the United States should push us to the verge of war for the purpose of getting this question settled. The United States' Government say, "We have a good case, but we are ready to keep it in abeyance, and to continue on terms of amity and friendly relations with Great Britain if Great Britain will consent to do so." Am I to say, "We will not agree to anything of the sort. Why do you not make war upon us? Why not push your claims to the utmost extremity?" That is the case of the noble Earl. He says it is desirable to have these questions settled, and not to have them hanging over us. It is desirable indeed; but how is it to be done while the position of the two countries are so entirely opposed? I have had the good fortune, in some cases, to bring to an amicable termination matters which had long been causes of dispute between this country and the United States. For many years there was a dispute pending upon the question of the Mosquito Shore and of the Bay Islands. The President of the United States said at the time, "If this be the only question of difference,"—as I believe it was until the secession occurred—"If this be the only question of difference we have with the Government of Great Britain, let us endeavour to settle it." I, for my part, was quite ready to make concessions of what might be considered fair claims on the part of the British Government in order to settle the dispute, and happily I was enabled to make a treaty which put an end to that dispute. There was another question which arose since the Ashburton Treaty, and which went on for some years, respecting the Hudson's Bay Company; and that dispute it was agreed to refer to arbitration, and a convention has been made for that purpose. So I am by no means indisposed to settle these questions, which, as the noble Earl truly says, ought not to be kept open if they can be settled. There is also the question of the Island of San Juan, adjoining Vancouver's Island; and in that question also I proposed an arbitration, which proposal has been for some time under the consideration of the United States' Government. That Government thought the Senate could not agree to arbitration; but I trust there will be an agreement upon that question also. I think it would be much better that the question relating to the Island of San Juan should be decided by an arbitrator than that it should remain a cause of dispute between the two countries. Referring again to the *Alabama*, the noble Earl seems to be much shocked because I said that that case was a scandal, and in some sense a reproach upon British law. I say that here, as

I said it in that despatch. I do consider that having passed a law to prevent the enlistment of Her Majesty's subjects in the service of a foreign Power, to prevent the fitting out or equipping, within Her Majesty's dominions, of vessels for warlike purposes without Her Majesty's sanction,—I say that, having passed such a law in the year 1819, it is a scandal and a reproach that one of the belligerents in this American contest has been enabled, at the order of the Confederate Government, to fit out a vessel at Liverpool in such a way that she was capable of being made a vessel of war; that after going to another port in Her Majesty's dominions, to ship a portion of her crew, she proceeded to a port in neutral territory, and there completed her crew and equipment as a vessel of war, so that she has since been able to capture and destroy innocent merchant vessels belonging to the other belligerent. Having been thus equipped by an evasion of the law, I say it is a scandal to our law that we should not be able to prevent such belligerent operations. I venture to say so much because at the Foreign Office I feel this to be very inconvenient. If you choose to say, as you might have said in former times, "Let vessels be fitted out and sold; let a vessel go to Charleston and there be sold to any agent of the Confederate Government," I could understand such a state of things. But if we have a law to prevent the fitting out of warlike vessels without the licence of Her Majesty, I do say this case of the *Alabama* is a scandal and a reproach, A very learned judge has said that we might drive, not a coach and six, but a whole fleet of ships through that Act of Parliament. If that be a correct description of our law, then I say we ought to have the law made more clear and intelligible. This law was said to be passed to secure the peace and welfare of this nation, and I trust it may be found in the end sufficient for that purpose. I say, however, that while the law remains in its present state its purpose is obviously defeated and its enactments made of no effect by British subjects who defy the Queen's proclamation of neutrality. To these observations I will only add, that if the noble Earl wishes for any other Paper relating to the *Alabama*—I believe there is only one—I should be willing to give it; but as to the folio volume of papers to which I have before referred, I hope the noble Earl will not press for their production.

THE EARL OF CARNARVON said, he had already explained that he did not wish for the Correspondence *in extenso*, but would be satisfied with short summaries of each case, containing such details as names, dates, and amounts of claim. There would surely be no difficulty in producing such information. With regard to the interpretation he had put on the language of the noble Earl, he thought their Lordships would agree that he had been not unnaturally misled, and was justified in asking further explanation. He accepted, however, the explanation the noble Earl had given him, and he rejoiced to receive it. He hoped there would be no objection on the part of the noble Earl to produce the papers in the case of the *Saxon*. That transaction had occurred between five and six months ago, and the negotiations in that case must be nearly complete. It was most important that Parliament should know precisely the position in which it stood in reference to such matters; and when the noble Earl challenged him to prove his case, although he was quite ready to take up his challenge, he could not do so unless the noble Earl supplied him with the materials. He should only further press for a copy of the instructions which were sent out to the colonial authorities at the Cape of Good Hope, and on which they had acted in the case of the *Tuscaloosa*. He hoped there would be no objection to give a copy of these instructions.

EARL RUSSELL said, he should have no objection to the Motion of the noble Earl on the understanding that names, dates, and other details of that kind only were to be given. With regard to the papers connected with the case of the *Saxon*, he was quite ready to produce them if the noble Earl would move for them.

THE EARL OF CARNARVON then moved, for the Correspondence or Extracts relative to the capture of the *Saxon*; and for Copy of Instructions to the Colonial Authorities relative to the detention of the *Tuscaloosa*.

EARL RUSSELL said, it would be necessary to communicate with the Colonial Office in regard to the instructions to the authorities at the Cape.

Address for—

"Return of Claims made by British Subjects upon the United States Government, sustained either in Person or Property since the Secession of the Southern States, specifying how and the

Grounds on which such Claims have been disposed of."

Also,

"Correspondence or Extracts from Correspondence relative to the Capture of the *Saxon* by the United States Ship *Vanderbilt*."

And also,

"Copy of Instructions to the Colonial Authorities relative to the Detention of the *Tuscaloosa*."

Motion *agreed to.*

House adjourned at a quarter past Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 16, 1864.

MINUTES.]—Select Committee—Controverted Elections *nominated;* Registration of County Voters (Feb. 10) *nominated.* (See p. 681.)

Public Bill—*Ordered*—Railways (Facilities for Construction); Railway Companies' Powers.*

CONTROVERTED ELECTIONS.

The Right Hon. Sir Francis Thornhill Baring, baronet, Member for the Borough of Portsmouth; Sir William Miles, baronet, Member for the Eastern Division of the County of Somerset; the Right Hon. Henry Arthur Herbert, Member for the County of Kerry; and John Bonham-Carter, esquire, Member for the City of Winchester, being four of the Members appointed by Mr. Speaker to serve on the General Committee of Elections, and not objected to by the House, were sworn at the Table by the Clerk.

Ordered, That the Corrected Alphabetical List of Members to serve on Election Committees be referred to the Committee.

BECKENHAM, LEWES, AND BRIGHTON RAILWAY BILL (*by Order*).

SECOND READING.

Order for Second Reading read.

Sir JOHN SHELLEY said, that his object in now moving the second reading of this Bill was that it might be sent upstairs to be considered in connection with the schemes proposed by the London and Brighton Company for attaining a similar object. The only opponents to the Bill, both last year and this, were the London and Brighton Company; the landowners, merchants, traders, and inhabitants of the districts, being in favour of it. Hon. Members had been exposed to considerable annoyance by being privately canvassed by the London and Brighton Company against the Bill; he trusted, however, that they would not allow themselves to be earwigged and prejudiced against the scheme of which he was the Chairman. The proposed line was intended to provide railway accommodation for the eastern division of Sussex, which the London and Brighton Company had hitherto neglected. Last year, the Brighton Company appeared to be taken by surprise; but this year, they had presented three Bills of their own to the House, and instead of allowing this Bill to be sent upstairs, as was the usual course, to be considered by a Committee, the Brighton Company had sought to get their own three Bills read yesterday, and if they had been successful—which they probably would have been, had he not been in his place to move that the second reading of those Bills should be postponed—they would have endeavoured to secure that the Bill immediately before the House should not be examined upstairs in conjunction with their own, and thus have prevented that which was, he maintained, the only fair course to adopt. Now it was, he might observe, proved before the Committee to which the scheme which he was advocating was referred last year—when its only opponents were, as at present, the Brighton Company—that the charges made by that Company were higher than the maximum allowed by law, to which limit, however, they were afterwards reduced. Was that then a body which had any claim to come and canvass the Members of that House to pursue, in reference to any scheme, an unusual line of conduct? But it was contended by the Company, who did not hesitate to catch hon. Members by the button-hole, and to canvass them for their votes, that the present Bill was exactly identical with that which had last year been rejected. Such was not, however, the fact. The present Bill avoided all the objections they had had to encounter last year. They had reduced the number of tunnels one fourth; instead of forty-nine miles of railroad, for which the promoters went last year, they now went for seventy-four; and out of those seventy-four there were only sixteen which were identical with any portion of last year's scheme. The case was one, he might add, in which the landowners, merchants, traders, and inhabitants generally of the district, concurred, and were anxious for the additional accommodation which was proposed. The new line proposed, moreover, to go into the very centre of the town of Brighton, while it would confer the further advantage of giving a direct line to Eastbourne. Under those circumstances, he hoped the House would consent to take the usual course, and would agree to the second reading of the Bill, which he begged to move.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. THOMSON HANKEY opposed the Motion on public grounds, having no private interests in the locality in question. He nevertheless thought it right to inform the House that the Bill was identical with that of last year, which was rejected by the House. The Bill now before the House differed in no material respect from that of last year. The Committee last year sat for thirty-five days. The costs to the parties in that contest were about £75,000. He thought, therefore, that the House should be satisfied that there was a material difference between the Bill of this Session and that of last Session before proceeding with it. He did not see any material difference, and therefore to proceed with the Bill would be merely to encourage a wasteful expenditure. As to the landowners being in favour of the Bill, it certainly passed through some very poor land, and might be expected to improve its value. Holding these views, he moved that the Bill be read a second time that day six months.

MR. PAULL seconded the Amendment. The Bill was fairly heard and rejected last year; and the Bill which was now before the House was substantially the same as that which was now before it. He was a Member of the Committee appointed last year to inquire into the Private Bill legislation of the House, and there was hardly any point more seriously urged before that Committee than the inconvenience of repeated applications in consecutive Sessions on behalf of the same scheme. The remedy for the evil was to stop the progress of Bills like the present on the second reading. Last year the Committee to which the Bill was referred sat thirty-five days, ninety-three witnesses were examined, and the expenses amounted to £75,000, and he therefore thought this was a Bill as to which the House might properly interfere at the present stage. In pursuing such a course, they would not be acting without precedent, for in the Session of 1863 the South Eastern Railway promoted a Bill which was rejected, on the Motion for the second reading, on the ground of its having been rejected in the previous Session by a Committee of the House of Lords; and in 1862 the Great Northern Railway Bill (No. 2) was rejected on the second reading although an interval of ten years had elapsed since the last previous application.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Hankey.*)

SIR EDWARD COLEBROOKE, as a Member of the Committee of last year, the Chairman of which was unfortunately out of town, said, that the question, as presented to that Committee, was one of competition pure and simple. The local case entirely broke down. Now, in his experience, he did not remember that the House had ever sanctioned a scheme for the sole purpose of establishing competition with an existing line without its being shown that the new railway would provide accommodation which was required by the district through which it was to pass; and he did not see why they should do so in the present instance. Some of the grievances alleged against the London and Brighton Railway Company were substantiated before the Committee; but the attempt to show that that Company had made illegal charges entirely failed. It was said that this Bill had been improved since it was last submitted to Parliament. Now he had compared the two Bills, and was prepared to say that they were substantially the same. The present Bill, it was true, proposed to carry the line into the centre of Brighton; but last year, although it did not appear in the Bill, it was understood to be part of the scheme, and was before the Committee. The branch lines were certainly new. Probably a postponement for another year would be attended with still more beneficial results, and if it could be postponed for five years longer, then it might be so improved as to pass without opposition; but it was trifling with the House to bring before it miniature schemes, because, on some future occasion, the promoters might bring them before the House in a more matured form. He asked the House to support the decisions of its own Committees.

Colonel BARTTELOT said, he lived in the western division of Sussex, it was true, but he did not think the wise men always came from the east. The Brighton Railway accommodated the western division of the county very well, and if it were allowed time would do the same for the remainder of Sussex. Two direct lines to Brighton might serve the interests of that town very well; but for the county at large one long line with lateral branches was infinitely better. The new line which the Brighton Company were about to open would be nearly a direct line, and would take off all the western and Portsmouth traffic. He saw no reason which required interference with the Brighton Company, and should vote against the second reading of this Bill.

Mr. DUTTON said, the Brighton Company had voluntarily lowered its fares and was within its Parliamentary powers. He knew of no company in the South of England that was better managed; and could not see the necessity of competition.

Mr. BLENCOWE was understood to support the Bill.

Mr. MASSEY said, he thought the weight of evidence was against the further progress of the Bill. The promoters had been recently heard, and the decision against them was unanimous. They had been told that the Bill was substantially different from the preceding one, but after the statement of the hon. Member for Lanarkshire (Sir Edward Colebrooke), the House could scarcely come to that conclusion. There might be some features of distinction, but he thought he must be a very inexpert draughtsman who could not prepare some superficial differences from a previous Bill. He looked on the Bill as substantially the same project promoted by the same parties as that presented last Session, and if it went to a Committee they could not anticipate a different result to that of last Session. The district was in the hands of a large public company, and he did think it was an abuse of the indulgence the House extended to parties bringing projects before it to reproduce this Bill, the further progress of which could only lead to unnecessary expense.

Sir JOHN SHELLEY said, it was capable of demonstration that the objections urged against the Bill of last year had all been met in the Bill before the House. It was true that the proposed line ran through the same towns as the line of last year; but, with the exception

of sixteen miles, there was no portion of the two schemes identical. The present line ran through new ground. However, after the opinion expressed by the Chairman of Committees (Mr. Massey), and seeing that the general feeling of the House was against the scheme, he would bow to what he considered to be an unfair decision, and would not waste time by going to a division. But if the Brighton Company did not do more to serve the district eastward of their main line, he would take care, if he had a seat in the House, that no long time should elapse before they had the same subject before them again.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

CALEDONIAN, EDINBURGH, AND GLASGOW, AND SCOTTISH CENTRAL RAILWAY COMPANIES BILL (*by Order*).

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. BUCHANAN said, that the House had on various occasions established the principle of free competition, while this Bill attempted to establish a monopoly of the railway traffic between the east and west of Scotland. This Bill was now before the House for the seventh time, six Bills with the same object having been already rejected or withdrawn by the promoters. It was said that the opposition to the Bill was now much less strong, but that was because the lines favouring it had made bargains with some of its opponents. The companies now again asked Parliament to sanction their scheme, but public feeling was still against them. In the case of so powerful a Company the public would have little opportunity of obtaining redress for any grievances they might suffer. The projectors had immense Parliamentary influence, and having a capital of £15,000,000 or £16,000,000, to back them, who was to contend with them? Parliament had already declared that the scheme was tainted with monopoly, and ought not to receive the sanction of the House. He begged to move that the Bill be read a second time this day six months.

MR. BLACK seconded the Amendment, for which there was a fortunate precedent in the Bill that had just been rejected, the House having declared that since they had rejected the Bill once before they would not now sanction it when proposed a second time. But the projectors of this Bill had come before the House with a similar scheme no less than seven times, and every time it had been either rejected or withdrawn. The Bill had been before all the municipal bodies and Chambers of Commerce connected with the railways in question, and there was one unanimous opinion that it ought to be opposed.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Buchanan.*)

SIR JAMES FERGUSSON supported the Bill, which he maintained was substantially different from the propositions previously made in regard to this matter. All the existing facilities enjoyed by the public were preserved by the Bill, which also reduced the rates, thus conferring an important benefit on the community. Running powers were given to other companies over the amalgamated lines, so that the public obtained thereby the advantages of competition.

MR. MASSEY said, that in various forms the sanction of the House had been asked for the measure on six different occasions. In 1860 a Bill substantially similar to the present was rejected by the Committee, and in the following year was brought forward again and again rejected. Considering, then, that this plan had been twice dealt with by Select Committees, both of which concurred in rejecting the scheme, he did not think that there had been such a change of circumstances in the interval as would warrant its reconsideration at present. He did not adhere to the principle that all amalgamation was necessarily objectionable. It was quite possible that at some future time the opposition to such a measure might be conciliated, and that it might be presented to Parliament under more favourable circumstances. Taking all things, however, into account, and considering that Parliament was this year overburdened by an enormous pressure of private business, he thought it was not desirable to task the energies of Members by asking them to investigate a Bill which they would be almost certain to reject, as they had done on former occasions.

MR. BLACKBURN apprehended that the last argument of the hon. Gentleman, the Chairman of Committees, would have so much weight with the House that it would not be necessary to press the question to a division. At the same time, he protested against the injustice done to the promoters. How long a time was to elapse before they would become entitled to a new trial? There were really considerable alterations in the scheme, which fully justified its being again submitted to Parliament.

MR. DALGLISH said, there was nothing to hinder the promoters from at once giving the reduced rates which they promised in their Bill, and then when they next came forward they might find the public not ungrateful.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

GREAT NORTHERN RAILWAY (No. 3) (DONCASTER TO GAINSBOROUGH) BILL (*by Order*).

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

LORD ROBERT MONTAGU moved that the Bill be read a second time this day six months. It had already, from the year 1851 to 1863 inclusive, been before the House several times, and was rejected on each occasion. It seemed to him that the Great Northern Company did not want to make the line, but merely to obtain an Act for the purpose of cutting off the country from any other company. Looking at all the circumstances, and at the indignity which this Company was endeavouring to put upon the House, he hoped the Bill would not be read a second time.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Lord Robert Montagu.*)

MR. PACKE said, the reason why the Great Northern Company could not obtain the sanction of the House on former occasions was because of the opposition of the landowners; but that opposition no longer existed. He could assure the noble Lord and the House that the Great Northern Company did intend to make the line, and if the Bill were passed it would be set about as soon as possible.

Mr. INGHAM said, he was one of the Committee of last year, and the reason why they rejected this Bill was because it was imperfect, and had been brought forward too hastily. He believed all the defects in the measure had been remedied, and that no objection to the Bill existed. He thought, therefore, that the House might read the Bill a second time.

Mr. ROEBUCK said, there were two parties who opposed this Bill—the landowners, represented by Lord Houghton, the hon. Member for East Retford (Mr. Foljambe), and Mr. Brown, and the Great Eastern Company, represented by the noble Lord the Member for Huntingdonshire (Lord Robert Montagu), who wished to occupy the same country. The Select Committee was a better tribunal to try these questions than the House, as nine out of every ten hon. Members knew nothing of the facts.

Mr. MASSEY said, it was quite true that this Bill was rejected in former years through the opposition of the landowners; but since that time their opposition had been materially qualified, and he should now vote for the Bill.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed.*

HARWICH CORPORATION BILL (*by Order*).

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Captain Jervis.*)

Mr. CRAWFORD opposed the second reading, on the ground that the Bill contained proposals which were highly objectionable to the inhabitants of Harwich. This Bill proposed to confer upon the Corporation of Harwich powers to raise £40,000 for the purpose of reclaiming a certain tract of land in the neighbourhood of the town, and covered by the sea at high water, at the expense of the ratepayers of the town. The Bill was opposed by the inhabitants for many reasons—that it was not within the province of municipal corporations to embark in speculations of any kind; that the whole risk of the undertaking would be thrown upon the ratepayers; that the scheme was, in fact, brought forward by the Great Eastern Railway Company; that the Bill was in direct opposition to a Standing Order of the House; and that if passed one of its clauses would compel the inhabitants to adopt the Local Government Act of 1858, which they had determined not to do. The Bill was promoted by a few parties in the town council in direct opposition to the wishes of three-fourths of the inhabitants, expressed at a public meeting on the 5th of this month, held under the presidency of the mayor, at which a petition was adopted which was signed by 314 burgesses out of 406, by seven magistrates out of thirteen, and by three churchwardens out of four. He trusted the House would not force on the inhabitants a scheme of the town council. He moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Crawford.*)

Captain JERVIS wished to know why the Member for the City of London (Mr. Crawford) had interested himself so much on behalf of his (Captain Jervis') constituents? The object of the Bill was to promote the health and comfort of the townspeople of Harwich, and was no new measure; for a similar plan was recommended twenty-five years ago by the Admiralty Commissioners who inspected the harbour of the east coast. He denied that there was any pretence for saying that the Bill was a job got up by the Great Eastern Railway. The railway company in question had had nothing whatever to do with the matter. The fact was, there was in the neighbourhood of Harwich a very rising place called Dovercourt, the sewage of which ran on the foreshore. The result was a great nuisance, and he believed that the opposition to this Bill had been entirely got up by the owners of that sewage. The Bill was really a sanitary measure—one, too, for which there was the greatest need—and he therefore hoped that the House would allow the Bill to go before a Select Committee.

MR. MASSEY said, that however desirous he might feel to relieve Committees of any portion of their labour, this Bill had upon the face of it a laudable object; and being promoted by a corporation which was elected by popular suffrage, and who were therefore the best expositors of the feelings and wishes of the inhabitants, it was a matter peculiarly fitted for examination upstairs. In fact, he had never known a Bill more suitable for such an inquiry.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 141; Noes 68: Majority 73.

Main Question put, and *agreed to*.

Bill read 2°, and *committed*.

LONDON, BRIGHTON, AND SOUTH COAST RAILWAY (KEMP TOWN STATION AND LINES) BILL (*by Order*).

SECOND READING.

Order for Second Reading read.

SIR JOHN SHELLEY said, that he had intended to oppose this and two other Bills promoted by the same company, which he thought were mere fighting Bills; but he would withdraw his opposition, in order to give the Company an opportunity of showing whether they meant *bonâ fide* to give the district the accommodation they professed a wish to afford.

Bill read 2°, and *committed*.

PRIVATE BILLS.—RESOLUTIONS.

FIRST RESOLUTION.

MR. MILNER GIBSON, in moving the first of a series of Resolutions of which he had given notice, said it would be in the recollection of the House, that during the last Session a Committee was appointed to inquire into the subject of Private Bill Legislation. That Committee sat, and after a lengthened inquiry agreed to a Report and several Resolutions; and the object he now had in view was, not to propose any great scheme of change in the present system of dealing with Private Bills, but merely to ask the House to consent to some of the recommendations of that Select Committee, which were intended to remedy particular grievances that had been much pressed upon the attention of Parliament. He believed that the Consolidation Acts as recommended by the Committee, and which passed last Session, had produced a salutary effect in shortening Private Bills, thus relieving the promoters from much unnecessary expense: they had also relieved the Chairman of Committees of Ways and Means in that House, and the Chairman of Committees in the House of Lords of some labour, and lessened the risk of clauses finding their way into Private Bills, which might be prejudicial to the public interest. The subject which he was about to introduce divided itself into several parts, not having much connection one with the other, and therefore he thought it would be convenient if he took each of the Resolutions and dealt with it separately without travelling into the other points. The Resolutions which he was about to propose had reference—first, to the mode in which it was proposed to deal with Bills, so as to lighten the labours of Committees; the second, to the House fees, in which it was proposed to make a reduction; and the third, to the professional charges of Parliamentary agents, solicitors, and others; and besides these, there was a final Resolution as to the hour at which Committees of the House should meet. The first Resolution proposed that, when the promoters and opponents of any Private Bill consented, the House should be at liberty to refer such Bill, either wholly or in part, to the Chairman of Ways and Means and the Members associated with him, in the same manner as unopposed private business was now dealt with. Much additional labour might certainly be imposed on the Chairman of Ways and Means by this arrangement; but his hon. Friend the Chairman of Ways and Means (Mr. Massey) was himself the proposer of the plan, and had said very handsomely that as he was a salaried officer, the House, especially in times of a pressure of business, was entitled to get out of him all the work that it could, and he had taken him at his word. It appeared that during the Session of 1862 there was one Chairman of Committees, the noble Lord the Member for King's Lynn (Lord Stanley), who sat no less than sixty-nine days, most of those sittings being long and laborious; whereas during the same time, the Chairman of Ways and Means only sat thirty-three days on unopposed Private Bills, and on an average the business before him did not occupy more than two hours a day. The hon. and learned Gentleman being willing to take upon himself these additional duties, the House might well try the experiment involved in the proposed change. He had little doubt that with the experience possessed by the Chairman of Ways and Means, and from the fact that in most cases it would not be necessary to hear counsel, the business would be disposed of in a very short period of time, at much less expense, and probably to the satisfaction of all parties, who would bind themselves in the first instance to abide by the award. The promoters and opponents of private Bills and the public at large were interested in giving the contemplated change a fair trial, and he hoped it would be sanctioned by the House.

Motion made, and Question proposed,

"That the Committee of Selection and the General Committee on Railway and Canal Bills, at any time after the committal of any Bills, be empowered, with the consent of all parties promoting and opposing, to refer the sáme, wholly or with reference to particular Clauses, to the Chairman of the Committee of Ways and Means, and that such Chairman, together with Members to be appointed in like manner as Members of the Committee on Unopposed Bills, be empowered to hear the parties promoting and opposing such Bills or their agents, and to report upon the same to the House."—(*Mr. Milner Gibson.*)

Lord ROBERT CECIL said, he had no desire to offer any objection to the Resolution before the House, which was harmless in itself and might fairly be described as a small step in the right direction. As far as it went—and that he believed would be a very little way indeed—it would tend to relieve Members of the House from the enormous burden cast upon them, and suitors out of doors from the enormous costliness of the proceedings to which they became parties. He had given notice of an Amendment, not with the object of defeating the Resolution, but as the only way open to him of expressing dissatisfaction with the Report of last year's Select Committee, and of making it the text for the observations he desired to offer. That Committee was empowered to sit upon a very grave and weighty subject, with respect to which serious complaints had been constantly uttered, both in and out of the House; it heard a great deal of evidence, and deliberated for a whole Session; but when it had to decide upon its Report the Committee shrank from applying any adequate remedy to the enormous evils with which it had been expected to grapple. He spoke of the Committee in its corporate capacity, but the Report which decided that the system so generally condemned should continue, was only passed by a majority of a single voice. The Report was moved by his noble Friend the Member for King's Lynn (Lord Stanley), and was carried by his voice; but in the minority were the names of Walpole and Wilson Patten. He, therefore, thought himself justified in saying that, although the weight of numbers barely preponderated in favour of the Report, the weight of authority preponderated against it. There was no need to prove to hon. Members the burden entailed by the existing system. The labours of the House were severe enough in themselves—not, perhaps, at the present moment, but later on in the Session, when they were more thickly engaged in business—without the superadded attendance upon Committees. It was no slight addition to the duty of a Member of Parliament, which required him to be in his place from four o'clock in the afternoon till perhaps two o'clock in the morning, to be kept upon a Committee all day, and charged with the duty of deciding about petty roads or the conflicting claims of railways and canals. No Member would refuse to undertake labour rightly falling to his share; but the real objection to this Private Bill legislation was, that it was work which Members were not sent to Parliament to perform. Members were returned to Parliament to attend to the great questions concerning the Empire, to control the Government, to take part in making public laws affecting the welfare of nations at large, and it was for those purposes alone that they were returned by their constituents. The system by which Members were told off into small groups to spend all their time in listening to trifling litigation was entirely of modern origin. One hundred years ago it did not exist. It came into being with the enormous increase of private enterprise caused by the inventions of later times, and it never entered into the original constitutional theory of the House of Commons. Even now it never entered into the minds of constituencies. An election had recently been held for the important constituency of Brighton, and the result being naturally received with some congratulation upon the Opposition side of the House, the circumstances of that election might have been looked at more closely by friends round him than by hon. Gentlemen opposite. But upon the most careful scrutiny of what had there occurred, he could not find that any of the candidates had vaunted his efficiency upon Private Bill Committees, or that the electors had preferred any one of those candidates on account of his supposed capacity for deciding upon the exact extent of a gradient or a curve. The constituency took no interest in questions of that kind; their minds were occupied with considerations of a much more important and general character. The fact that considerations affecting the labour upon Committees had not made their way on to the hustings showed that they were not looked upon as forming part of their legitimate duties, and that they were widely apart from the constitutional theory of a Member's office. The new Member for Brighton (Mr. Moor) might think that he came there to hear and take part in discussions on large questions of foreign and domestic policy; but if he indulged in such sanguine dreams he was much mistaken. He did not know the clutches of the hon. Member for North Lancashire (Colonel Wilson Patten), and the engine of torture which that hon. Member wielded. Until he had felt the grasp of the hon. Member he could have no conception of the arduous and unnecessary labour to which he must be subjected for having become one of the representatives of the people. It might be endurable if it were of any use, or if the work could be done by no one else, or if the mode of doing it were satisfactory. He was rebuked the other night for assuming the character of a representative of the mercantile community; but he hoped, that in quoting the opinions of the Associated Chambers of Commerce he should not be exposed to the same reproach. The Association of the Chambers of Commerce of the United Kingdom said in their petition—

> "That the great expense and uncertainty attending the carrying of Private Bills for public works through Parliament form a serious impediment to the undertaking of large and important works, and in smaller undertakings suffice to cause the abandonment of many projects and improvements of great public utility. These evils are in a great measure caused by the double tribunal (namely, Committees of each House of Parliament) before which such Bills, together with the evidence by which they are supported, have to be considered, thus causing a double expense. Moreover, as such Committees have no recognized law of evidence, and are guided by no recognized or fixed principles in arriving at decisions, it necessarily sometimes happens that the decisions arrived at, in exactly similar cases, are contradictory, and this not merely as between the Committees of the two several Houses of Parliament, but also Committees of the same House. Much uncertainty is thus involved as to the probability of successfully obtaining an Act for any undertaking, however beneficial. That your petitioners respectfully submit that this evil would be best remedied by referring the evidence in support of, or in opposition to such Bills, to some permanent judicial body of competent and experienced persons, sitting in public, and who would hear and examine the same, and report thereon to each House of Parliament."

Such was the opinion of a body, above all others the most competent to decide on this matter. Let the House try to imagine what the state of things would be if the Court of Queen's Bench were abolished and a tribunal substituted, composed of five gentlemen, selected indiscriminately from the whole body of members of Lincoln's Inn, sitting one five in one day and another five on another day, with no security that the same judges who sat on one day would sit on any subsequent day. Several Bills had just been brought forward a second time, after being rejected last year, and the cause of the anomaly was that the promoters took their chance of another Committee. It was impossible that the same question could be brought forward again and again before the same Judges in a court of law, where certain fixed principles were acted upon; but the same schemes were brought forward again and again in the House, to the infliction of great hardship on those who opposed them. Then there was the incompetency of the tribunal. A body of gentlemen had been got together, who were ready to sit as Chairmen through an entire Session, and any one of them was competent to conduct an inquiry; but four other Members sat by his side, and it was a delusion to suppose that the Chairman was not constantly out-voted by Members who were absolutely inexperienced. No one denied that the tribunal was pure, but the result of all the various defects was to cast on the suit an enormous and unnecessary expense. In one Committee upon which he sat, hearing the division bell ring, he innocently thought that his best course was to leave the Committee-room and proceed to the House; but he was told that the counsel, agents, and witnesses engaged made it so costly, that £1 a minute was spent during every minute that the Committee was sitting, and he was begged to stay. The London and North Western had spent from first to last £1,000,000 in these Committee-rooms; the Great Western had spent £800,000, and the Great Northern £300,000, before, he believed, a mile of their line was opened. The expense, too, was not in the first inception of a scheme, but a constant drain went on, not in the initiation of new schemes, but in having to come year after year to "watch" the proceedings of other companies, in order that their interests might not be affected. It might be said that there was no harm in bleeding these powerful companies a little; but these expenses intimately affected the public interests. They should remember that dividends could not be screwed down below a certain amount, and that the effect of large expenditure in Parliament was seen in every portion of the arrangements, so that the frightful accidents which had disgraced the railway system were the result of this system of Private Bill legislation. To give a presentable dividend, the managers of the lines cut down the expenses in every possible way, and at last the arrangements were not sufficient to secure safety. It might be that a piece of the permanent way was neglected, or a pointsman who had been fourteen hours at work was so sleepy he could not see which way a train was coming. Accidents could generally be traced to injudicious economy. The injudicious economy was the result of the heavy burdens placed on the company from the commencement, and for those burdens this House was primarily responsible. As to private persons, they could not protect themselves against ill-advised and injudicious schemes. If they opposed for one or two years, the company was sure in the end to wear them out by appearing again and again before Parliament. He believed that if there were some more suitable tribunal to appeal to at which persons who complained could have been heard, the present cry against the invasion of the metropolis would never have been heard of; but small landowners knew very well that for them there was no security against injury, that they were at the mercy of the railway companies, and that they were debarred by the cost from appealing to the present tribunal for protection. When, however, a change was proposed, the stock argument always was that the House of Commons could not part with its legislative power. In the principle of that objection he owned he concurred. The House of Commons ought never to part with the right and duty of legislation. It would be false to its trusts if it ever permitted any statutory interference with the rights of the subject without its direct sanction. But the House insisted on discharging judicial functions as well. What he contended for was that the House should satisfy itself that it was legislative not judicial interference that was required. If the inquiry before Committees were a legislative proceeding, why was this enormous expenditure incurred for counsel, agents, and witnesses? Private Bill legislation resolved itself under two heads—the facts on which the legislation was founded, and the legislation itself. The legislation the House would never part with; but why were Members of that House forced to discharge the arduous, unsatisfactory, and trivial task of ascertaining the facts on which it was based? This was not the practice of the House in more important investigations. In its public legislation the House dealt with interests of enormous importance, but it did not appoint Select Committees to sit and hear counsel and Parliamentary agents. The House either relied on information supplied by the Executive, or it referred the matter to a Select Committee, which sent for witnesses and examined them itself at little or no expense. The mind of the House was enlightened on the subject by the Report and Evidence, and its legislation was at least as satisfactory as on Private Bills. Why should not the facts be ascertained outside the House in the case of Private Bills? Let the House, if it saw fit, commit the inquiry to a Government Department, or to some local authority on the spot with adequate knowledge, and which might conduct the investigation without undue expense. Let the evidence be reported to the House and referred to a Select Committee. If there was any matter on which that Committee desired to be further informed, let it send for the witnesses and examine them for itself and without counsel. In ordinary cases, however, it would be fair to presume that the sole expense to the suitor would be in this local and preliminary inquiry by which the facts would be ascertained. The legislative power of the House would thus be preserved, and all the judicial part of the duty, in which the burden to Members and the cost to parties arose, would be handed over to those who were more competent, and by whom it could be done more cheaply. It was to some such tribunal that the Chambers of Commerce pointed in their petition. Depend upon it, the public would not long be satisfied to endure the enormous evils of the present system—the cost was too great and the hindrance to enterprize too appalling. The oppression to private individuals was, meanwhile, growing and increasing, and the burdens which the system imposed on Members of that House were beginning to be found intolerable. The labours of the hon. and gallant Member for North Lancashire (Colonel Wilson Patten) were becoming more arduous every year, in consequence of the difficulty of finding Members to take part in a system of which they could not approve, and of which they saw the uselessness. That difficulty would increase as every fresh Session returned. An effort was made by the Committee of last year to lessen the labour thrown upon hon. Members by their recommendation that the Members upon Committees should be reduced from five to three. The President of the Board of Trade had not attempted to carry out this recommendation; but he would soon be compelled, whether he would or not, to make some amendment in a system which had grown up gradually and accidentally, and which ought not to be continued. He well knew that any change of the kind he now proposed could not be introduced suddenly, and that there was an enormous pressure of business this Session which must be disposed of. He was willing to add words to defer the operation of his Resolution to a future Session, but the time had come when the House must listen to the numerous complaints which from every quarter were heard against the present system of Private Bill legislation.

Amendment proposed,

To leave out from the first word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the duty of ascertaining the facts upon which Legislation in respect to Private Bills is to proceed, should be discharged by some tribunal external to this House,"—(*Lord Robert Cecil,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MILNER GIBSON hoped, as the noble Lord (Lord Robert Cecil) did not object to the Resolution before the House, he would not press his Motion as an Amendment to it, seeing that he would have a more suitable opportunity afterwards of raising the question by a substantive Resolution. The question raised was, Whether the House was to transfer its jurisdiction over Private Bills to a great extent to some external tribunal? But so far as he could collect from the noble Lord, he was afraid that the plan he suggested would not diminish the expense. If he understood rightly, there was to be a preliminary inquiry to ascertain certain facts—what facts he did not know—and that having been done, the result was to be reported to the House, and the Bill was to be referred to a Select Committee, who would, he presumed, hear counsel, as now. [LORD ROBERT CECIL: Certainly not.] Well, then, there was to be no argument upon the facts reported; but if the facts were not sufficient, the Committee was to call for further evidence; so that the probability was, that by this preliminary inquiry they would only be adding one more stage to the present proceedings on Private Bills, and so increasing the expense. The plan suggested by the noble Lord had been tried in 1846, and was given up in 1851, because the Parliamentary Committees declined to be bound by the decision of external committees. Their argument was that they were called upon to grant compulsory powers, and to settle questions of very important public policy; and that they could only discharge their duty satisfactorily by ascertaining the facts for themselves, and using their own judgment as to what were material in guiding them to a proper decision. In Courts of law certain facts being ascertained, the Judge would apply the law to them; but Parliament had no law applicable to particular facts. This was a question not of law, but of public policy, changing with the times, fluctuating from day to day, bound by no precedents, but regulated by the wants and circumstances of the day. He thought it very doubtful whether any body could be found in this country whose decisions would give so much satisfaction to the public in matters of this sort as a body composed of Members of the Legislature, and especially of Members of the House of Commons, who were themselves fluctuating, moving with the times, and who would not be bound by those precedents which probably were suited to judicial proceedings, but which were not adapted to settling what should be done in reference to new undertakings founded upon recent scientific discoveries. The first Railway Bill introduced into Parliament — the Bill for the Liverpool and Manchester Railway — was thrown out; so that if they had had uniformity of practice, if there had been no change in the decision of Committees, the country never could have had any railway at all. He was one of those who thought they must be prepared for repeated changes of decision; that schemes which might be very properly rejected one year, might in the next year be justly granted. It would be, he thought, a very unsatisfactory state of things if Committees of that House were bound by such precedents as courts of law were compelled to observe. But the fatal objection to the particular plan of the noble Lord was, that there was nothing final in the matter. There was to be a preliminary inquiry at great expense to the parties, but nothing final in the decision—it would still be open to the Committee of the House to go through the whole case as if no previous inquiry had taken place: indeed, the parties would never be satisfied that full justice had been done unless they were allowed to be heard upon every branch of the question. There was also another point to be considered. It was most important that no power of less authority than Parliament should be able to grant to individuals such powers as were claimed for these great railways and other undertakings—namely, that of compulsorily taking the lands and houses without consent of the owners. If Parliament was to have the ultimate decision, he was far from saying that some assistance might not be given by auxiliary means; but if Parliament was really to decide these questions, it must be at liberty to provide itself, and in its own way, with all the facts and information necessary for legislation. It had been laid down by lawyers that nothing was more unsatisfactory than that facts should be found in one place and the decisions come to in another; and the Court of Chancery had recently given up proceeding upon affidavits and evidence taken elsewhere, and had recourse to *vivâ voce* examination. There was a great deal in the manner of witnesses, and their conduct under cross-examination, which was important in guiding to the decision. But what was of more importance still was, that it was not at all clear that if the facts were found before the external tribunal, they would prove to be the facts which the Committee of the House would think material in order to enable them to form their judgment. Unless, therefore, they could define beforehand what the facts were that were to be proved, they ran the risk of a great expense being incurred without any advantage. The Committee of last year did not altogether discard the idea of having auxiliary means for obtaining information; the question was considered, and though an adverse decision was come to, that decision did not go so far as to say that there might not be some formal matters in reference to particular classes of Bills in which evidence might be provided from some other quarter. But it would be found, he was satisfied, as it had been before, that unless they gave this external tribunal power to make its decisions final, it would only be an addition to the expense already incurred, and would perhaps have the effect of causing greater expense and trouble than even in connection with private legislation. The proposition of the noble Lord deserved the fullest consideration; but he hoped that it would be deferred to some other occasion, when it might be discussed upon a substantive Resolution.

LORD HARRY VANE said, he agreed with the right hon. Gentleman in hoping the noble Lord (Lord Robert Cecil) would withdraw his Amendment. At the present moment it appeared to him ill-timed; but whenever the subject should be brought forward, in a substantive and practical shape, he should be inclined to support it. His right hon. Friend (Mr. Milner Gibson) was mistaken in supposing that some such tribunal as that proposed by the noble Lord had never been put into action. Lord Dalhousie, when president of the Board of Trade, in conjunction with Mr. Laing, at a time when there was an enormous mass of private business before the House, drew up certain recommendations for the guidance of Committees. Sir Robert Peel, however, was at that time (1846) too weak to express any positive opinion in support of them. It was quite right that certain regulations should be laid down which ought to bind Committees, and if they came with the weight of the authority of that House those regulations would be attended to. Our legislation at present was hap-hazard legislation, and it was matter of notoriety that small railway companies had no power of carrying Bills through the House, owing to the opposition of the great companies, their antagonists. There was no supervising power over these companies. The whole country was divided among the great companies, and when there were two lines in opposition they never accommodated each other, and the public was placed at a great disadvantage. If there was a place of stoppage for two companies, great care was taken that the trains of the one should not be allowed to depart at the time of the arrival of the trains of the other, and thus the public were put to the greatest inconvenience. He had no confidence in Ministers who were fleeting; there ought to be some competent tribunal of a permanent character, who should exercise a supervision. He hoped the noble Lord would at some future time bring forward a practical measure, which would serve to correct the evils of which, in the present Session, they had had so many examples.

Colonel WILSON PATTEN said, he would add his entreaty to that of the noble Lord who had just sat down, that his noble Friend (Lord Robert Cecil) would not press his Amendment: not because he did not participate in some of the opinions which his noble Friend had expressed, for he himself had on former occasions shown that he entertained similar views, and in the Committee of last year he had given his testimony that some tribunal might be appointed by means of which the Committees of that House might be relieved from some of the onerous duties which they were now called upon to discharge—but because he doubted whether the present moment was the best time for entertaining it. He quite agreed with his right hon. Friend (Mr. Milner Gibson), that it would be most unadvisable to transfer the private business of the House to a tribunal external to it; but he had never been able to comprehend why it should be the duty of Members of Parliament to sit in a room to ascertain facts which could be ascertained as well if not better by some other body. Committees were occupied day after day in deciding what was the amount of traffic between two towns, what was the nature of a viaduct, and other such points, which might well be decided before the Bill came before them. As to the difficulty of finding Chairmen to preside over these Committees, he was in as good a position to judge of that, perhaps, as any one, and he was bound to say that Members were daily growing more dissatisfied with being shut up in a room day after day, wasting their time in discharging duties which they did not believe to belong to a Member of Parliament. This Session, in consequence, perhaps, of the apprehended increase of private business, there had been more difficulty than ever in obtaining the services of those Members who had usually devoted their time to private business. He did not like to name particular Members, but as the right hon. Gentleman had mentioned the noble Lord the Member for King's Lynn (Lord Stanley) as eminent for the services he had rendered on Committees, he might say that the hon. Member for Ipswich (Mr. Adair), who for eleven years had devoted himself to presiding over these Committees, had this year bolted from the standing Committee of Chairmen, and he had not been able to induce him to return. This was to be regretted, because there was no hon. Member whose services it was more desirable to retain. He regretted very much that the Committee of last year had not been able to devise some means of lightening the labours of Members. His right hon. Friend was quite right in saying that every effort had been made by the Committee themselves to lighten their labours. He had had some share in passing the Preliminary Inquiries Act; but it had totally failed, because the inquiry had to be gone over again in a Committee of that House, and the simple result was that the expense to the parties was doubled. In consequence of that increase of expense he himself had moved the repeal of that Act; but he was convinced that if the object of that Act had been limited to inquiries into such preliminary facts as he had alluded to, great good would have been done and much expense saved. He wished his noble Friend (Lord Robert Cecil) had made his speech last year; but the present moment was inopportune, because we were now at the beginning of the Session, and there was a vast amount of business to be done which it would be still more difficult to get through if his noble Friend's Amendment were carried. The propositions of the President of the Board of Trade were founded on the recommendation of the Committee which sat last year, and would, it seemed to him, tend to diminish the labours of Committees, and he should therefore give them his best support.

Mr. MASSEY said, he should undoubtedly be glad if the great question, whether the House of Commons should retain the private business of the country in its own hands, or delegate it to a foreign tribunal were raised, not incidentally, but as a substantial question. He did not, however, think that the question could now be discussed in a fitting manner. It had been discussed on former occasions, and whenever the proposal was made to transfer this business to a tribunal out of doors, it had been resisted by the most eminent authorities in the House; but so many years had elapsed, and such a change of circumstances had taken place, that any hon. Member would be justified in raising it again. He hoped, therefore, that the noble Lord would take some opportunity of putting it before the House in a distinct form; but he must be permitted to say, that it was desirable that the proposition on which the sense of the House should be taken ought not to be of the character of that now before it, but should raise distinctly the question, whether the dominion over Private Bill Legislation should be retained by Parliament, or should be transferred to some tribunal out of doors. If that proposition were made, it would be intelligible; but he could not understand the proposition that one body should hear and another determine. It was discussed last year before the Committee, which came to the conclusion, that any such attempt to delegate the private business to a foreign tribunal—such, for instance, as a Commission which should take evidence on the spot and Report to the House—would lead to no practical benefit. No Committee of the House would adopt implicitly the Report of any such Commission. In fact, it would be impossible to constitute a Commission of such a character, that the House would implicitly adopt its recommendations. However high might be the character of the persons constituting the Commission, or however great might be the authority delegated to it, when its Report was laid before the House Committees it would be sure to re-open the inquiry, and would institute precisely the same mode of proceeding as was now adopted. It would be placing the House in a strange position to expect it to become a passive instrument of legislation on any subject on which it might be engaged. The analogy between the Courts of Law and Parliament entirely failed, and the noble Lord would find that there were numerous points of law on which the Courts of coordinate Jurisdiction were entirely opposed to each other in opinion. The uncertainty of which the noble Lord spoke was an element in all human affairs. With regard to the specific proposition before the House, as his right hon. Friend had said, it was one which he had taken the liberty of recommending to him; and though it might be of a very moderate character, and might not lead to any great practical results, it was their duty to try all the resources at their command to endeavour to lighten the labours of the members of Committees. Though his duties in the House might occasionally be of a somewhat onerous character, he had frequently in the earlier part of the day much time to spare, which he considered at the command of the House, and he believed there were many questions on which the arbitration suggested might be conveniently employed, so as to relieve the Committees of a portion of their business. On the question, whether it would become necessary to take the private business from Committees of the Houses of Parliament, and provide another tribunal for transacting it, he reserved his opinion; but he was sure that if, after all efforts had been made to discharge this business within the walls of Parliament, it should appear that, from the increase and accumulation of Private Bills, they were more than Parliament could examine and legislate upon with satisfaction, the House of Commons would be the first to avow that fact, and to make other provision for the transaction of important business, which, under the present system, was put into the hands of Parliamentary Committees. In conclusion, he would express his hope that the noble Lord would withdraw his Amendment.

MR. WHALLEY said, that the Act of 1846 had been found useful in reference to inclosures, improvements of towns, and other matters; and it would have worked in reference to railways also, but that it was the interest of the great railway companies to make the tribunal as costly, expensive, and uncertain as possible. Such a system enabled them to resist what they called aggressions, but which he (Mr. Whalley) called legitimate endeavours to extend railway accommodation throughout the country. Although the facts required in reference to Railway Bills were somewhat different to those required for other private legislation, still he did not think that there could be any difficulty in delegating to some tribunal the duty of ascertaining those facts. As an instance of how the Act of 1846 worked, he might mention, that before that statute the average expenditure upon an Inclosure Bill up to a certain stage was £970, whilst now that expense was diminished to £5 17*s.* 9*d.* If hon. Members would look to other countries they would find a much simpler method resorted to. An inquiry was first made to ascertain whether a railway was wanted between two places, and when this point was decided, they then went into details. But in this country the entire was jumbled up, while the time of the Committee was wasted in quibbles, to the disgust of hon. Members, who were glad to get rid of the entire matter. The present tribunal was maintained at the cost of the health of the Members and the efficiency of the House, not because it answered its purpose, but because the great companies found it necessary, by every means in their power, to maintain a monopoly, and to oppose lines which did not exactly fall in with their views.

MR. SCOURFIELD said that, as one of the Members who had fallen under the clutches of the hon. and gallant Member for North Lancashire, he trusted he might be allowed to make a few observations on the subject. He wished to state that the dissatisfaction he, in common with many other Members, felt at the present system of conducting railway legislation arose not so much from the trouble and toil incurred by the members of the Committee, as from the conviction that the guarantees and restrictions which the House imposed on the promoters of Bills were set at nought. It was bad enough, certainly, to be confined in a Committee-room for several hours a day—and particularly on Wednesdays, when important business was going on in the House itself—but the feeling of annoyance was aggravated by the reflection that the parties who were the cause of all the trouble evaded before going before the Committees the proper restrictions laid down by that House, particularly with regard to deposits. The deposit system had become a farce, though it had been intended to provide a guarantee of the solvency and respectability of the parties who appeared before the Committees, and the deposit was meant to form part of the capital to be devoted to the completion of the works. But now the guarantee was only borrowed for the occasion. He had heard it stated that one gentleman was doing a good business by lending money for deposits—that he had recently made over £9,000 in that way. It was this abuse which made him dissatisfied with the present system, and he thought that a considerable remedy might be provided for the mischief, not so much by any new legislation as by Parliament taking care that its rules and regulations were properly complied with. He was Chairman of the Committee which sat on the Hartlepool Bill of last year. Parliament had given the company power to raise a capital of £2,000,000, and to borrow about £700,000; but the Act was evaded, and it was proved that, while the company had only raised a capital of £700,000, they had borrowed from £2,000,000 to £3,000,000. He was told that a person in the Bankruptcy Court once described himself as "a provider of capital;" and a man who did not pay his debts might on that account be in a better position to provide capital, like the American gentleman who said, "We have no money, and nobody will give us any, but at all events we can set up a bank and lend money." There was a class of persons springing up in this country who were providers of capital; and he thought the House might effect much by securing the performance of the preliminary conditions it laid down, and visiting with punishment those who infringed them.

MR. BONHAM-CARTER said, he thought it undesirable that the very disparaging statement of the noble Lord with respect to the members of Railway Committees should be accepted. Speaking as a member of the Committee of Selection, he could give an entire contradiction to the statement that the Chairman and members of Railway Committees acted without uniformity of principle or practice. He was not going to defend the constitution of the Committees as being perfect, but the whole of the evidence given before the Committee on Private Business last year led to the conclusion that the practice of Railway Committees, though open to improvement, was more perfect and certain than heretofore, and the public had little conception how laborious were the duties of the Gentlemen composing those Committees.

MR. KINNAIRD did not think that the observations of the noble Lord implied as much as some seemed to imagine. There was undoubtedly a prevalent impression throughout the country, and it was by no means unfounded, that parties after having had a scheme rejected, were encouraged to come back with it again, in the hope of getting a new Committee.

LORD ROBERT CECIL said, he would withdraw his Amendment in deference to the opinions of the hon. Member for Salford (Mr. Massey) and the hon. and gallant Member for North Lancashire (Colonel Wilson Patten). He would, however, bring the matter forward on another occasion.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

(1.) *Resolved,*

That the Committee of Selection and the General Committee on Railway and Canal Bills, at any time after the committal of any Bills, be empowered, with the consent of all parties promoting and opposing, to refer the same, wholly or with reference to particular Clauses, to the Chairman of the Committee of Ways and Means, and that such Chairman, together with Members to be appointed in like manner as Members of the Committee on Unopposed Bills, be empowered to hear the parties promoting and opposing such Bills or their agents, and to report upon the same to the House.—(*Mr. Milner Gibson.*)

Mr. MILNER GIBSON said, that although expenses did not so much matter to promoters, who had generally the funds of companies or corporations to draw upon, the opponents, who were often private landowners, compelled to appear in self-defence, deserved some consideration in that respect. He, therefore, proposed the second Resolution.

Motion made, and Question proposed,

"That in lieu of the Fees to be paid by the Opponents of a Private Bill for proceedings before any Committee, the following Fee be hereafter paid :—

	£	s.	d.
"For every day on which the Petitioners appear before any Committee	2	0	0"

—(*Mr. Milner Gibson.*)

Mr. RICHARD HODGSON wished to know, what amount of loss would accrue to the fee fund by this reduction ?

Mr. MILNER GIBSON said, that if the fee now proposed had been charged last Session, there would have been a loss of £3,941 on the fee fund.

Mr. HADFIELD said, it was very hard that an owner of property in defending his rights should be put to such very heavy expenses, not only for counsel, but for House fees and shorthand-writer's notes. The way in which railway companies treated the owners of property was so arbitrary and unjust, that a respectable Parliamentary agent, who was examined before a Committee two years ago, stated that in no case would he advise an owner to appear in Parliament against a Bill. He himself knew a case where a gentleman was put to an expense of £300 or £400 in preparing his case, and had his counsel and witnesses all ready, and just at the last moment the railway company told him they did not want his land. They took care not to let him know earlier. He, therefore, thought that those who opposed a Private Bill, not frivolously or vexatiously, but in a *bonâ fide* spirit, should be entitled to be relieved from the payment of fees if the Committee saw fit. He would, therefore, move to add certain words to the Resolution.

Amendment proposed,

At the end of the Question, to add the words "Committees shall have discretion to exonerate Petitioners, owners or tenants of property to be affected by Bills, from the payment of Fees in seeking for exemption, or for Clauses, if they shall see fit; and to charge the Promoters of such Bills with all Fees to be paid in respect of the same."—(*Mr. Hadfield.*)

Mr. MILNER GIBSON said, this question had been considered by the Committee, who had come to the conclusion that it would, on the whole, be better not to give any discretionary power in this respect. One side could not be rendered liable for costs unless the other were also liable, and that opened up a very wide and delicate question. If, on the one side, the promoters of schemes were condemned to pay costs, on the same principle, vexatious opponents should be condemned to pay them.

Mr. KINNAIRD did not think the question of costs was involved in the Amendment. It only referred to owners of property who came forward *bonâ fide* to defend their property. The principle involved was not the imposition of costs, but exemption from costs in certain cases.

Question put, "That those words be there added."

The House *divided:*—Ayes 42; Noes 65: Majority 23.

Main Question put, and *agreed to.*

(2.) *Resolved*

That in lieu of the Fees to be paid by the Opponents of a Private Bill for proceedings before any Committee, the following Fee be hereafter paid :—

	£	s.	d.
For every day on which the Petitioners appear before any Committee	2	0	0

—(*Mr. Milner Gibson.*)

Mr. MILNER GIBSON proceeded to propose the third Resolution, which had reference to the fees paid by promoters of Private Bills upon the various stages of those Bills. The present *ad valorem* fees were very much objected to, and it had been suggested that the better course would be to abolish them, and no doubt much was to be said in favour of such a course. But Members and officers of the House who had most experience were of opinion, that in general the Bills which applied for powers to raise the largest capitals were those which gave the most trouble to the House, and certainly were Bills which sought the largest amount of privilege. Under the present system, every Bill paid certain fees upon reaching various stages—£5 was paid on the presentation of the petition; £15 for the first reading, £15 for the second, £15 on the Report of the Committee, and £15 on the third reading; and in addition there were *ad valorem* fees, calculated upon the amount of capital sought to be raised, which were double at £100,000, treble at £200,000, and so on. By his proposal, the reduction would be considerable, namely, double when the capital reached £500,000, treble when it got up to £1,000,000, and never more than four-fold for sums above £1,000,000. His proposition would effect a considerable reduction in the amount now paid. Taking the private business of last Session, the relief that would be afforded by his proposition would be £16,919 upon a total of £45,135. As special instances, he might mention that, upon the Charing Cross Railway Bill, £525 was paid, while under the present scheme only £200 would be required; the West Drayton line, instead of paying £395, would have had only to pay £135, and other Bills would have been similarly situated. It had been argued with much force, that the Fee Fund ought not to be larger than was required to defray the expenses that were thrown upon the House by the private business, but that depended upon the estimate of the cost of the private business. One witness before the Committee had made an estimate that the private business of the House cost £18,000. But upon examining that estimate it was found, that almost every item was debateable; and he was assured upon the authority of the officers of the House that it would not be too much to assume, that the whole cost of the private business before the House was at least one-half of the total amount voted by Parliament for the expenses of the House. The total estimate was £50,000, which, with the payments from the Consolidated Fund for the Speaker and the Chairman of Ways and Means, made the total cost £58,000, one-half of which would be of course £29,000. He had proposed, and the House had agreed to, by the Resolution in regard to fees by opponents which it had passed, reductions which would diminish the receipts by £4,000. He now proposed reductions which would certainly not amount to less than £17,000; making altogether a reduction of £21,000 in the Fee Fund. It was true that a margin was left, after allowing £29,000 for the expense of the Private business, if you put the whole Fee Fund at £55,000; but he had given notice of three Bills, which would, if adopted by the House, materially affect the receipts from fees. One Bill would enable two or more companies to enter into working arrangements, upon compliance with certain requisitions, without the necessity of coming to Parliament. The other Bill would permit the sale of surplus lands belonging to railways, the construction of new lines which were consented to by all parties, and the raising of further capital under certain conditions. If these Bills should be adopted a further diminution of fees must be looked for, and therefore he did not think he had left too wide a margin in making his reductions. Parliament never would wish that the country should be taxed to pay the expenses of the promoters or the opponents of Private Bills. There was another consideration. If they parted with the *ad valorem* principle, it might deprive them of the power of making reductions in the fees on the various stages of small Bills, which were felt to be a heavy burden. They could not always carry principles to the exact point they desired. But they were moving in the right direction, and they had made a considerable reduction—a reduction which he thought might be made with safety; and therefore he hoped his hon. Friend who had given notice of Amendment, would allow this Resolution to pass.

Motion made, and Question proposed,

"That in lieu of the ad valorem Fees to be paid by the Promoters of Private Bills for proceedings in the House, where money is to be raised or expended under the authority of any Bill for the execution of a work, the following Fees be hereafter paid:—

"If the sum be £100,000, and under £500,000, twice the amount of such Fees.

"If the sum be £500,000, and under £1,000,000, three times the amount of such Fees.

"If the sum be £1,000,000 and above, four times the amount of such Fees."—(*Mr. Milner Gibson.*)

MR. RICHARD HODGSON said, he had given notice of an Amendment on this Resolution; and, so far from being satisfied with the proposal of the right hon. Gentleman, he should take the sense of the House upon it. He quite agreed with the right hon. Gentleman, and the Committee which sat last Session, that the taxation of Bills on the *ad valorem* principle in the shape of House fees was indefensible; and he would undertake to show that there was no risk whatever that the Chancellor of the Exchequer would have to pay any difference between the amount of fees and the expense of Private Bills. The margin was much larger than the right hon. Gentleman had stated. Taking the last three years for which he could obtain Returns—1860, 1861, and 1862—the average amount of fees paid by promoters and opponents of Private Bills was £67,000 a year; the average cost upon the Consolidated Fund was £58,000. The Chancellor of the Exchequer had not therefore to pay, but he derived a surplus from these fees of £9,000. The right hon. Gentleman said, he found that the expense attendant on Private Bill legislation might be calculated at half of the whole expense of public and private business; but they must deduct from the whole the salaries to Mr. Speaker, the Clerks at the table, and the Sergeant-at-Arms, which must be paid independently of Private Bill legislation. These amounted to £12,000 a year, which, being deducted from the £58,000, left only £46,000 to be divided between public and private legislation. The Fee Fund produced in the last three years an average of £67,000. The reductions proposed by the right hon. Gentleman were £4,000 and £17,000, still leaving a surplus of £27,000 over the expense of private Bills. He had not stated the margin fairly, and he had failed to show what he was going to do with the margin further than that he would introduce other measures which would withdraw a certain class of Bills from the House, and on which he would charge no fees for what he did for them at the Board of Trade. It would be much fairer to charge some fees on Bills taken out of the House, and so remove the risk of loss, than to charge an *ad valorem* duty on those Bills which remained in the House. He could not admit the assertion, that Bills proposing to raise a large capital threw a larger expenditure of time and amount of labour on the House. Such Bills were often unopposed, yet they paid as much in the shape of fees as if they had required two or three weeks to consider their provisions. Instead of mulcting promoters of Bills, which caused no trouble or expense to the House, it would be fairer to increase the fee on every day parties occupied the Committee. The right hon. Gentleman concurred in the Resolutions unanimously adopted by the Committee which sat last Session on Private Bill legislation, yet he now proposed to continue the sliding scale which the Committee condemned. He called on the House to assist him in making the third Resolution consistent with the Report of the Committee.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there shall be charged an uniform Fee on all Private Bills for proceedings in the House,"—(*Mr. Richard Hodgson,*)

—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER: I think the House will perhaps excuse me if for a few moments I venture to occupy its attention with regard to points which the speech of the hon. Gentleman has tended to throw into obscurity. There is no great difference of principle between Gentlemen sitting in this House with regard to a matter on which I am bound, however, myself to say that but for the authority of the officers of the House I should have been disposed to take objection to the great reductions proposed by my right hon. Friend the President of the Board of Trade. I am not prepared to admit that in a country where it is found necessary for the absolute purpose of the public service to lay a tax on transfers of property effected under the ordinary operation of the law, it is unreasonable to make the application of private parties for special powers to the Legislature the means of yielding benefit to the public. However, I defer frankly, notwithstanding my own judgment, to that of the Committee, who examined this subject, and to the opinion entertained, I believe, in the highest quarters; and I will freely admit that the system of fees has grown up, like many other things, without any distinct principle underlying them. It is true that the Committee recommended the total abolition of the *ad valorem* fee, but the President of the Board of Trade was not a party to that recommendation. My right hon. Friend was in the chair, and was not called upon to vote. [Mr. MILNER GIBSON interposed a remark.] The House will observe, however, that the course taken by my right hon. Friend is not inconsistent with the approval of the Report of the Committee in its full extent, including that part of it which recommends the abolition of the *ad valorem* duty. All my right hon. Friend now says is, "Let us proceed step by step; let us abolish as much of the *ad valorem* duty as we safely can, and if we find in future years that the Fee

Fund yields a surplus, we may then abolish the remainder." That is more consistent with the recommendation of the Committee than the course proposed by the hon. Member for Berwick (Mr. Richard Hodgson), who leaps at once to conclusions which may leave the Consolidated Fund burdened with a charge for the purpose of carrying on the private business of this House. If, after the measures now proposed by the Government, there is a surplus on the Fee Fund over and above what is estimated to be necessary, we shall become cognizant of the fact next year or the year after. Surely, then, it is better to proceed cautiously in the reduction of these fees, and to reserve to ourselves the power of making a further reduction when it becomes clear that we have the means of doing it, rather than to go upon evidence altogether insufficient, exposing ourselves to the risk of being compelled to come down hereafter with the invidious proposal of again raising these fees. Let me now say a few words on the figures of the case. The hon. Member for Berwick takes for his average the last three years, except the last but one; but those years were years of the very greatest activity in private business. Now, there are good and bad years of private business, as there are good and bad harvests, and it is necessary to take a larger number of years than has been taken by the hon. Member for Berwick, in order to come at the truth of the case. The President of the Board of Trade has taken eleven years, and upon that average he finds that the yield of the Fee Fund has been £55,000 per annum. On the other hand, the expenses of the House have been £58,000, and the moiety of those expenses held to be fairly chargeable against the Fee Fund is £29,000. There is, consequently, an admitted excess at present of £26,000. How does my right hon. Friend deal with it? He proposes a reduction upon the opponent's fee, amounting to £4,000; and he proposes a reduction on the *ad valorem* fee, showing his deference to the wishes of the Committee, amounting to £17,000; that is £21,000 out of his £26,000. What does he do with the other £5,000? He is introducing two Bills, with respect to which it is judged probable that they may operate in cutting away one-tenth part of the Fee Fund altogether, by removing one-tenth part of the private business from the control and jurisdiction of this House. The gross sum of the Fee Fund is thus reduced to £50,000, and the gross sum of the £26,000 which my right hon. Friend had to dispose of is reduced to £21,000, or the precise amount which he is giving away. Under these circumstances, if we are to act with prudence—if we are to avoid the risk of a demand upon the resources of the country in aid of the purposes of private parties, I think the proposal of my right hon. Friend, founded upon the principle of gradual advancement, is a safe and reasonable one, and I feel satisfied it will meet with the approval of the House.

COLONEL WILSON PATTEN said, the House must not suppose that the Committee were unanimous in recommending the abolition of the *ad valorem* fees. He (Colonel Wilson Patten) himself protested in the Committee against the total abolition of the *ad valorem* fee, and still retained the opinion that the House should not adopt the proposition of the hon. Member for Berwick. He could not, indeed, imagine anything more unjust than to subject all private Bills to the same amount of taxation. Under such a system the promoters of one Bill might have to pay at the rate of a quarter per cent, and the promoters of another at the rate of 10 or 12 per cent. He thought the Chancellor of the Exchequer had taken the right view of the subject. In some years the fees had amounted to an enormous sum, but in others they had not gone much beyond the expenses of the House. Such times might arise again, especially as the President of the Board of Trade was introducing Bills, which in certain cases would do away with the necessity of paying even the reduced scale of fees. He believed that if the hon. Member for Berwick were to succeed in carrying his Motion, a year would soon arrive when the expenses of the House would have to be paid out of the general taxation of the country. On the whole, then, he hoped the House would accept the moderate proposal of the President of the Board of Trade.

SIR GEORGE BOWYER said, he believed that the only thing wanting to make the system of fees just was the introduction of the legal principle of costs dependent on the event. What was the principle of the law of costs? If a man brought a groundless action against another, he was obliged to pay all the expenses out of his own pocket; while, on the other hand, if he succeeded in his suit, the defendant who should not have resisted a lawful demand, had to defray the costs. That system ought to be adopted with respect to Private Bills. The principle of costs were even more necessary in railway matters than in law; for in law a man could not repeatedly bring the same action in which he had been defeated; but Bills which had been rejected by the Legislature might be brought in again and again, even for twenty years. It was often said that the proper place to oppose a Private Bill on the merits was not the House, but a Committee upstairs, where the evidence was taken on both sides. As far as it went that was a fair enough argument; but it should be remembered that equally, whether the Bill was a bad Bill or a good one, they threw an enormous expense upon its opponents by referring it to a Select Committee, because there was no liability to pay costs. That objection, however, would be obviated if they adopted the principle of costs. He wished, therefore, to impress upon the right hon. Gentleman——

Mr. SPEAKER, interposing, invited the hon. Baronet's attention to the question before the House—namely, Whether there should be *ad valorem* fees? The question of costs had already been incidentally discussed that evening, and there would be other opportunities of discussing it; but the hon. Baronet was not in order in discussing it upon the present Resolution.

Sir GEORGE BOWYER must say, with all deference to the Chair, that the point he was raising was relevant to the question of *ad valorem* fees, because the objection had been taken that the Fee Fund, if the fees were reduced, might not be sufficient to cover the expenses. He wished, therefore, to raise the question as to who should pay the fees, because, if the burden were thrown on the right parties, whether the fees were *ad valorem* or otherwise, there could be no just ground of complaint in the matter.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 135; Noes 4: Majority 131.

Main Question put, and *agreed to.*

(3.) *Resolved,*

That in lieu of the ad valorem Fees to be paid by the Promoters of Private Bills for proceedings in the House, where money is to be raised or expended under the authority of any Bill for the execution of a work, the following Fees be hereafter paid:—

If the sum be £100,000, and under £500,000, twice the amount of such Fees.

If the sum be £500,000, and under £1,000,000, three times the amount of such Fees.

If the sum be £1,000,000 and above, four times the amount of such Fees.—(*Mr. Milner Gibson.*)

(4.) *Resolved,*

That in the Table of Fees to be paid on the Taxation of Costs on Private Bills, the third paragraph—namely, "For every Bill under £100, £1," be omitted.—(*Mr. Milner Gibson.*)

Mr. MILNER GIBSON then proposed two Resolutions,

"That the Speaker be requested to revise the list of charges for Parliamentary agents, solicitors, and others, with a view especially to the reduction of the Charges allowed for Copies of Documents;"

and

"That the Minutes of Evidence in Opposed Private Bills be printed at the expense of the parties whenever Copies of the same shall be required."

These Resolutions related to charges made by solicitors which were much complained of as being excessive, and calculated on wrong principles. The subject had been much inquired into by the Committee of last Session. There was one branch of the expenses which the solicitors threw on the Promoters and opponents of Private Bills which had been the subject of loud complaint—namely, the charge for copies of documents, which were charged at the rate of 8*d.* per folio, whereas copies of the minutes of evidence could be obtained at the rate of 2*d.* per folio from a law stationer. Between the two there was a considerable difference, and it had been thought by the Committee of last year that the mode of remunerating solicitors by charges of that kind was not what it was desirable to maintain. He proposed that the copies of the minutes when required to be supplied should be printed, which would be much cheaper than by the present system. He had as yet made no mention of the fees of counsel which had been represented by the public as excessive. The state of the case in reference to that point, as it stood at the present moment, he believed to be that no person could appear by counsel before a Committee in the most trifling matter under a fee of thirty guineas for the first day, which sum is made up thus, five guineas for retainer, ten guineas on the brief, ten guineas for attendance, and five guineas for consultation; then there was at least ten guineas as a refresher, and five guineas for consultation for every succeeding day afterwards. A private individual compelled to come to Parliament to defend the most trifling case found himself at the outset met by that minimum charge. Now, he must not for a moment be understood as disputing the perfect right of a barrister and solicitor to make between themselves any terms which they might please; nor did he wish to interfere with the arrangements of any eminent leader who chose to say that his services were worth 500 guineas, and that he would not appear before a Committee under that sum. What he objected to was, that the Parliamentary bar should by any rule of their own prevent a barrister from taking such fees as were permitted to be taken in the ordinary courts of law and equity. He, for one, was against the arbitrary minimum thus laid down; and the Parliamentary bar had it in their power, he could not help feeling, to remedy the existing evil. It had, for instance, been stated by the late Attorney General, when examined before the Committee, that there was no general rule of the bar applicable to the case, and that he knew of no reason why barristers should not be allowed to attend before Parliamentary Committees for the same fees as before the ordinary courts. But, notwithstanding that it might be true that no such rule was laid down by the bar at large, it was said that any barrister who accepted a less sum before Parliamentary Committees than thirty guineas for the first day, and fifteen guineas for every day after, would be considered by his brethren in the profession to be guilty of an unprofessional act, and would, to a certain extent, be placed under a social disability. Now, he was not aware to what extent such a rule might be carried; but he thought it at the same time most desirable that the Parliamentary bar should put an end to all doubt on the question, and should pass a resolution to the effect, that barristers practising before Committees of that House should be guided by the same rules as those which prevailed in the ordinary courts of law. He might observe that a barrister with whom he was acquainted had, some time ago, been asked to appear before a Committee in a case in which the labour was little or nothing, and that when he appeared the solicitor handed him a cheque for twenty-five guineas, observing that that was the minimum fee at the Parliamentary bar, and to take a less amount than that would be unprofessional. Now, a rule which so operated was, he believed, very injurious to the junior members of the profession; while as he had been informed that those connected with railway undertakings would very frequently be glad to secure the services of juniors in the unavoidable absence of eminent leaders, if such juniors were permitted to take such fees as they would willingly accept; but he was, he might add, glad to find from information which he had received, that the subject was under the consideration of the bar; and he had reason to believe that some of the most influential members of the Parliamentary bar were of opinion, that the rule relating to their scale of fees ought to be very considerably relaxed. Some resolutions had indeed, he believed, been already passed on the subject. For this reason he abstained from asking the House to come to any Resolution upon the subject; but unless he had had the assurance that some steps were in progress, he should not have considered that he had discharged his duty without asking the House to express some opinion in the matter.

Motion made, and Question proposed,

"That Mr. Speaker be requested to revise the List of Charges for Parliamentary Agents, Solicitors, and others, with a view especially to the reduction of the Charges allowed for Copies of Documents."—(*Mr. Milner Gibson.*)

MR. HENNESSY said, that the right hon. Gentleman was mistaken in supposing that the fees given to counsel at the Parliamentary bar were higher than those paid at common law or in the Courts of Chancery. The reverse was the case. ["No, no!"] The fees paid at the common law bar were in proportion to the pecuniary interests involved. ["No, no!"] The fee given was invariably proportioned to the importance of the case. According to the Resolution which they had just passed, and the statement of the right hon. Gentleman, the pecuniary interests involved in the cases which came before Parliamentary Committees varied from £50,000 to £2,000,000. He had sat on Committees which had had to deal with still larger interests. In the Dyce-Sombre case, the amount involved in which was smaller than that at stake in cases which came before that House every day, the present Lord Chief Justice received in the final appeal to the Privy Council 1,000 guineas upon his brief and a refresher of 300 guineas a day. He was sure that no member of the bar would undertake the responsibility of fighting before the Committee a case involving pecuniary interests to the amount of £2,000,000 for the small sum mentioned by the right hon. Gentleman. Every member of the bar looked to the pecuniary interests involved, and expected to be remunerated in proportion. The right hon. Gentleman was wrong in supposing that there were no arbitrary rules at the bar which must be observed. A gentleman practising on one circuit could not be taken to another on any special occasion for a less fee than fifty guineas. It had occurred to himself to be taken from the circuit on which he usually practised to another, and the lowest fee which he could then accept was 100 guineas. In some circuits the fee was higher, and in others lower, but in all there was a special fee.

Colonel WILSON PATTEN said, that the hon. and learned Gentleman had fallen into an extraordinary mistake—the complaint was not that the leaders in great cases were overpaid, but that small landowners and persons having small interests to protect were compelled to pay fees entirely disproportioned to the value of those interests. While the Committee was sitting upon this subject he received a letter from a gentleman in Gloucestershire or Wiltshire, who told him that, having to defend his garden against a railway, it cost him £37 before he could get into the Committee-room; and, although his garden was worth only £85, his bill for Parliamentary purposes ultimately amounted to upwards of £300. It was in such cases as that that the fees of counsel were so excessively high as to prevent the owners of small properties from obtaining justice. He, like his right hon. Friend (Mr. Milner Gibson), had heard that the leaders of the Parliamentary bar had taken this matter into consideration. He believed that they were by no means favourable to the maintenance of the abuses of the present system, and he felt great confidence that the bar would come to a Resolution which would meet the requirements of the case. He thought that his right hon. Friend had done wisely in leaving it to the Speaker to revise from time to time these charges. One enormous expense was that of making copies of evidence. To so great an extent had that evil grown that a solicitor told the Committee that if the allowance for copies of evidence were withdrawn his profits would be diminished one-half. The sooner the House got rid of such abuses the better; and, therefore, he should support this Resolution.

Mr. BENTINCK said, he could not but regret that the right hon. Gentleman should have confined himself solely to the question of agents and solicitors. He thought it was a monstrous abuse to debar junior members of the bar from practising before Committees. If they had free trade in other things, they ought to have free trade in barristers' fees. It would ill become the House of Commons to stop short, as at present proposed, and he would therefore venture to move the insertion of the words "Counsel's fees" in the present Resolution.

Mr. SPEAKER: It would not be competent for the House to order that words, such as those proposed by the hon. Member for West Norfolk, should be inserted in this Resolution. The House, by the Resolution, called on the Speaker to discharge a duty in the regulation of certain charges which he is empowered to regulate by Act of Parliament; but the powers granted by the Act did not extend to any control over the fees of counsel conducting business before Committees.

Resolution *agreed to.*

(5.) *Resolved,*

That Mr. Speaker be requested to revise the List of Charges for Parliamentary Agents, Solicitors, and others, with a view especially to the reduction of the Charges allowed for Copies of Documents.—(*Mr. Milner Gibson.*)

Motion made, and Question proposed,

"That the Minutes of Evidence on Unopposed Private Bills be printed at the expense of the parties whenever Copies of the same shall be required."—(*Mr. Milner Gibson.*)

Mr. F. S. POWELL complained that the words were too vague, and said, it was absolutely necessary that some controlling power should be exercised over the printer, otherwise the confusion which arose last year before a Committee, who found it impossible to reconcile the various copies of one important document, would be repeated. Means ought also to be taken to have the printed copies of evidence taken one day in the hands of Members at their next meeting.

Mr. MILNER GIBSON said, the printing ordered by the House was under the control of the Speaker, but he had no doubt everything would be done to facilitate the despatch of business.

MR. HUNT asked, what was the comparative expense of written and printed copies?

MR. MILNER GIBSON believed, that if only one copy was printed it would be cheaper than by the present system. But Mr. Hansard told him that twenty-five printed copies could be supplied for the same cost as two or three written ones.

MR. HUNT understood that the legal charge of copying documents was only 2*d.* a folio, whereas the House was charged 8*d.* Would the House get the benefit of any reduction to the legal rate when the copies were printed?

MR. LYGON said, it was very desirable that Members should be furnished with copies of the proceedings *de die in diem*, and suggested that there should be some guarantee that all possible despatch would be used by the printer, and hoped the House would never hear of any such enormous delay as three weeks, which had lately occurred in the production of important documents.

MR. DILLWYN asked, how it was proposed to apportion the expense among "the parties?"

SIR FRANCIS GOLDSMID mentioned that when the proposal to print documents in the Court of Chancery was made, and finally adopted, evidence was given that, adopting the very smallest scale of expenditure for copying, the moment it became necessary to have more than three copies it was cheaper to print.

MR. MILNER GIBSON had not the least doubt the printed evidence would be supplied at least as expeditiously as it was under the present system. In proposing this Resolution, he was merely carrying out the recommendations of the Committee; the details could easily be settled by the officers of the House. He was assured that the phrase "at the expense of the parties" was perfectly well understood, and not likely to give rise to any questions.

Resolution *agreed to.*

(6.) *Resolved,*

That the Minutes of Evidence on Opposed Private Bills be printed at the expense of the parties whenever Copies of the same shall be required.—(*Mr. Milner Gibson.*)

MR. MILNER GIBSON, in proposing his last Resolution, "That Committees on Private Bills be ordered to meet at eleven of the clock," said, he was afraid it would not be a very acceptable one to the House, although recommended by the Committee which had taken evidence upon the subject. Suitors complained of the short sittings of the Private Bill Committees, lasting on an average three and a half hours, as oppressive and much too limited in comparison with those of any other tribunal. He quite admitted that Members of Parliament had other duties to perform, that they were frequently kept up late at night, and consequently that eleven o'clock next morning might be an inconveniently early hour; but in the discharge of their onerous duties as Members of Parliament, it was impossible they could be otherwise than inconvenienced, and consideration was due both to the suitors and to the important subjects which came before Private Bill Committees. It had been alleged that several short sittings were not as satisfactory as one long sitting. He proposed, as a set-off to the Committees meeting at eleven o'clock, that no Member should be required to sit more than ten days, except to finish cases already commenced. But on further consideration he found that the limit of ten days would be very inconvenient, and that where in a group of Bills one Bill occupied fourteen or fifteen days, it would be necessary to have a new Committee constituted. He therefore was obliged to give up that proposal. He did not feel confident that the House would adopt this Resolution. At the same time, he would move it, and leave it in the hands of the House. The House were the best judges whether they ought to make the change. He should like to see it himself, and he believed it would be appreciated by the public. The public would see that Members of Parliament were taking their part in effecting improvements, and their conduct in so doing would be approved by their constituents.

Motion made, and Question proposed—

"That Committees on Private Bills be ordered to meet at Eleven of the clock."—(*Mr. Milner Gibson.*)

LORD ROBERT CECIL said, that at an earlier part of the discussion he had described the machinery wielded by his hon. and gallant Friend as an instrument of torture. He called this proposition a cruel and inhuman attempt to give another turn to the screw. The right hon. Gentleman said he would like to see it. Would he like to feel it? He was amused at the eagerness with which right hon. Gentlemen on the Treasury Bench expressed a determination to keep Private Bills within the jurisdiction of the House. The glory fell upon them, but not the work. This proposal would do more than anything to cause Private Bill Legislation to be utterly incompatible with the duties of a Member of Parliament. They were often there until two and three o'clock in the morning, which precluded any comparison between their Committees and ordinary courts. He supposed most of them had some private business of their own requiring attention, and many gentlemen desired to read some portion of the voluminous matter circulated for their perusal. If this additional demand on their time were imposed, they would have to give up sleeping altogether, except in the House of Commons. Counsel would be prevented having consultations, and they would obtain time by putting up their juniors to lengthen the cross-examination of witnesses. The proposal was utterly unpopular, and would do no good.

Colonel WILSON PATTEN said, no doubt if the Committees were to meet at eleven o'clock it would greatly reduce the expenses; but, on the other hand, he felt that considering the labours of Members of Parliament it would be almost impossible to carry out such a regulation. The noble Lord had alluded to him as if the whole duty of the selection of Members devolved on him. He was only the Chairman of the Committee of Selection, and as such he performed his duty to the best of his ability, and with as little tyranny as possible. He was bound to admit that this proposal was unpopular. As an instance of it, he had secured seven Gentlemen for a panel of Chairmen of Committees on Railway Bills, and since the Resolution had been on the paper he had received notes from three saying they could not serve. The right hon. Gentleman had let fall an expression that the public would be persuaded that Members were really performing their duties if they would consent to commence their sittings at eleven o'clock; but he believed that if the public were not already persuaded of it nothing would convince them. He believed that meeting at eleven would be a great improvement, but he did not think it could be adopted. He thought it would be better to direct Committees to meet at a quarter to twelve, so as to secure the commencement of the proceeding at twelve. He recommended the right hon. Gentleman to assent to the proposal to allow any Committee, if it saw fit to meet earlier, to adopt such a Resolution. The hon. Member for Ipswich was very unpopular for having insisted on his Committee meeting at eleven o'clock; but he was bound to say the hon. Gentleman had got through a great deal of work in a very little time by that means.

Sir STAFFORD NORTHCOTE asked, whether Committees could not gain time at the other end by sitting on until half past four?

Colonel SYKES thought there need be no Resolution at all on the subject. It should be left to the Committees themelves.

Mr. HASSARD moved, as an Amendment, the substitution of "twelve" for "eleven," and the addition of the words "unless such Committee shall have adjourned to some other time."

Amendment proposed, to leave out the word "eleven" and insert the word "twelve," — (*Mr. Hassard,*) — instead thereof.

Question proposed, "That the word 'eleven' stand part of the Question."

Mr. MILNER GIBSON said, that in deference to the general feeling of the House, he would not press this Resolution.

Amendment and Motion, by leave, *withdrawn.*

Mr. DARBY GRIFFITH inquired how it happened that the recommendation of the Committee of last Session, that the number of Members of Committees on Private Bills should be reduced from five to three, had not been adopted. Such a change would be a great relief to hon. Members. ["Question!"]

Mr. SPEAKER reminded the hon. Member that there was no Motion before the House.

Mr. DARBY GRIFFITH said, he would move that the Resolution of the Committee be adopted.

Mr. SPEAKER thought the hon. Gentleman, having had an opportunity of expressing his opinions, would see that he could not, with propriety, proceed to move the Resolution, having given no notice of his intention to do so.

PROPOSED BISHOPRIC OF CORNWALL.

QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask the Secretary of State for the Home Department, Whether it is true, as has been publicly stated, that a communication has recently been made by him to the Archbishop of Canterbury, to the effect that the Government will not sanction any step being taken towards the establishment of a Bishopric of Cornwall; whether he has received any communication with regard to the appointment of a Suffragan Bishop for the diocese of Exeter; and, if so, what answer he has made to it; and whether he will have any objection to lay the Correspondence on the subject upon the table of the House?

SIR GEORGE GREY said, he had received a letter from the Archbishop of Canterbury, with regard to a proposed division of the diocese of Exeter and the formation of a new diocese of Cornwall. There was no objection to produce the letter, and the answer made to it on the part of the Government.

REGISTRATION OF COUNTY VOTERS.

NOMINATION OF COMMITTEE.

Viscount Enfield nominated a Member of the Committee.

Motion made, and Question proposed, "That Mr. Walter be one other Member of the said Committee."

COLONEL FRENCH complained that the Irish counties were not represented in the proposed Committee. He suggested the postponement of the matter, with a view of Irish county Members being placed on the Committee.

MR. DODSON said, the Committee was to inquire into the registration of county voters in England and Wales, and it was on that account it was composed of English and Welsh Members, with one Scotch and one Irish Member to give the benefit of their assistance with respect to the system of registration in Scotland and Ireland.

COLONEL FRENCH said, he would move the adjournment of the debate, in order to take the sense of the House, whether Irish county Members should be excluded from the Committee.

Motion made, and Question put, "That the Debate be now adjourned."—(*Colonel French.*)

The House *divided*:—Ayes 6; Noes 48: Majority 42.

MR. WALTER, MR. DODSON, MR. HUNT, MR. ALGERNON EGERTON, MR. HENRY AUSTIN BRUCE, Viscount INGESTRE, MR. SCLATER-BOOTH, MR. LOCKE-KING, SIR EDWARD COLEBROOKE, MR. LONGFIELD, MR. COLLINS, MR. LOCKE, MR. EVANS, and MR. CHARLES WYNN nominated other Members of the Committee. Power to send for persons, papers, and records. Five to be the quorum.—(*Mr. Dodson.*)

MR. HUNT moved, That it be an Instruction to such Committee, "that they have power to inquire into the sufficiency of the powers vested in Revising Barristers for enforcing order in their Courts, and to report upon the same."

Motion *agreed to.*

RAILWAYS (FACILITIES FOR CONSTRUCTION) BILL.

Bill to facilitate, in certain cases, the obtaining of powers for the Construction of Railways, *ordered* to be brought in by MR. MILNER GIBSON and MR. HUTT.

RAILWAY COMPANIES' POWERS BILL.

Bill to facilitate, in certain cases, the obtaining of further Powers by Railway Companies, *ordered* to be brought in by MR. MILNER GIBSON and MR. HUTT.

House adjourned at a quarter before Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, February 17, 1864.

MINUTES.]—NEW WRIT ISSUED — For Dorset *v.* Henry Ker Seymer, esquire, Manor of Hempholme.

SELECT COMMITTEE—*Report* — Committee of Selection, *First Report* (No. 62).

PUBLIC BILL—*Second Reading* — Chain Cables and Anchors [Bill 9].

CHAIN CABLES AND ANCHORS BILL.

[BILL 9.] SECOND READING.

Order for Second Reading read.

MR. LAIRD said, that in moving the second reading of the Bill he would, in the first instance, give a short history of the various attempts that had been made at legislation on this subject within the last three years. It would be in the recollection of the House, that in 1860 a Committee was appointed, of which the hon. and gallant Member for Portsmouth (Sir James Elphinstone) was the Chairman, "to inquire into the manufacture of anchors and chain cables for the merchant service." That Committee reported that good ground had been laid by the evidence before them of the absolute necessity of public tests, and recommended that all vessels employed in the conveyance of emigrants, troops, or public stores, should be obliged to furnish themselves with tested cables. In 1861 his hon. and gallant Friend brought in a Bill on the subject, which passed its second reading, but it did not go further. In 1862, at the request of many shipowners and Members of that House, he (Mr. Laird) proposed the insertion of a clause in the Merchant Shipping Bill of that year, to render it imperative that all anchors and chain cables sold after 1st January, 1864, should be impressed with an official proof mark. The clause was well supported, the only objection to it being that it would be better to make it the subject of a distinct Bill. Consequently, he last year introduced a Bill; but owing to the delay which occurred in ascertaining the views of the shipping interest and chain cable and anchor manufacturers in reference to it, it was not introduced till late in the Session. It passed a second reading by a considerable majority, but he was obliged to withdraw it about the middle of July, there being no chance of passing it at that advanced period of the Session. In withdrawing it, however, he gave notice of his intention of again introducing the measure in the present Session. According to the promise he then gave he had introduced the present Bill, which he asked the House to read a second time. The difference between the Bill of last and that of the present Session was principally confined to alterations in some of the clauses of the former Bill. He had omitted the clause relative to the appointment of Inspectors by the Board of Trade, and he had limited their interference to the licensing of corporate bodies and persons not being manufacturers to erect testing machines. Power was also given to the Board of Trade to authorize corporate bodies to raise funds for the purpose of erecting them, and also to regulate the charges to be paid at the various testing houses. The object of the Bill was to make the manufacturers responsible for the articles they sold. One objection raised to the measure was grounded on the additional cost of anchors and chain cables of a quality that would stand the proposed tests. With regard to the extra cost of anchors and chain cables capable of being tested up to the Admiralty standard, he had ascertained that in the case of a 1,000 ton ship, worth £20,000, it would be about £35. He had received communications in favour of the measure from various parts of the country from persons interested in shipping. Lloyds' Committee supported it strongly, and they were very anxious that it should pass. The General Shipowners' Association, who opposed the Bill of last year, expressed their warm approval of the present measure. He had received the following letter from that Association:—

> "General Shipowners' Society, 12, St. Michael's Alley, Cornhill, London, 12th Feb., 1864.
>
> "Sir,—I have the honour to acknowledge receipt of your letter of the 9th inst., with copy of Bill for 'Regulating the Proving and Sale of Chain Cables and Anchors,' and I am directed by the Committee of the General Shipowners' Society to state, that they concur in the objects of the Bill as now introduced by you into the House of Commons; recognizing as highly important a measure which shall make it unlawful for makers and dealers to sell or supply for the use of ships any chain cable or anchor which shall not have been previously tested and duly stamped, in accordance with the provisions of the said Act.—I have, &c.
>
> (Signed) "Wm. Bonar, Secretary.
>
> "John Laird, Esq., M.P., &c."

The Peninsular and Oriental and other large Companies, and various Chambers of Commerce throughout the country, had also expressed their approval of the Bill, as well as nearly the whole of the principal chain cable and anchor manufacturers of the kingdom. They considered the Bill, if passed, would secure the manufacture of a good article, and would prevent inferior articles from being brought into the market. It was said the provisions of the Bill would operate adversely to the freedom of trade in the manufacture of these articles; but surely when he proved that nine out of every ten of those who used them and made them were most anxious for such a law, it was a conclusive answer to such an objection. There were also communications in favour of the Bill from shipowners all over the country. It had been objected against the measure that, if it passed testing, machines would be required in all the small ports throughout the country. To that he need only answer by the well-known fact, that the chain cable manufacture was carried on principally in Staffordshire, Newcastle-on-Tyne, Chester, and some parts of South Wales, the tendency being to concentrate the trade in districts where coals and iron and labour were cheapest, and that testing machines were already established at London, Liverpool, Birkenhead, Staffordshire, and about to be on the Clyde, and various other places. Besides, the Bill would not come into operation till July, 1865, so that there would be ample time to establish any quantity of testing machinery which would be necessary. Upon the necessity which existed for providing good anchors and cables he need scarcely dwell. The losses sustained by our shipping in the Black Sea, where all the cables manufactured for the Admiralty stood their ground, while those of private ships failed, afforded a sufficient illustration of how important was the question. From the Returns of the Wrecks of last year it appeared, that ninety-three vessels were lost from the parting of cables—a fact that showed the absolute necessity of taking steps for protecting the lives of seamen and passengers. The difference between the cost of a good article and a bad one was really, as he had shown, not worth consideration, even if much larger than it really was. From his own experience as a shipowner he could vouch for the vast superiority of the Admiralty over the merchant standard for anchors and cables. When in business he had found in vessels built by him, and furnished with anchors and cables tested to the merchants' standard, that the ground tackle was continually giving way. He had therefore determined to adopt the Admiralty standard. He had found much difficulty in inducing manufacturers to meet his wishes; but he had insisted, and since then he had heard no complaints from ships he had supplied with Admiralty tested anchors and cables. He regretted that the hon. Member for Sunderland (Mr. Lindsay) did not support the Bill. Last year his objection to the measure then brought forward was that it would operate as a hardship upon small shipowners. He (Mr. Laird) replied that the present Bill would favour the small owners. If the Bill passed, the small owners, who were now put to expense and trouble in getting cables tested, would have no longer to incur it, as all such articles manufactured would have applied to them the Admiralty test before being sold. The small shipowners would therefore be put on the same footing with the large shipowners, many of whom took care to have their anchors and cables tested. He hoped the Bill would receive the sanction of the House, and in that hope would now move the second reading.

SIR JAMES ELPHINSTONE seconded the Motion for the second reading, expressing a hope that the House would see fit to pass the Bill. The increase of wrecks in 1862 had been something like 40 per cent over the preceding year. Referring to the Return of Wrecks issued by the Board of Trade (which he lamented was not brought down to the latest possible date, and placed in the hands of Members), it appeared that 14,000 men connected with our merchant shipping were annually put in jeopardy of their lives from shipwrecks, and that 1,000 actually lost their lives last year. With such appalling statistics were they to allow slight inconvenience and slighter expense to shipowners to stand in the way of a measure which if passed into a law would be productive of such immense relief, and which might at any moment be amended if amendment were found necessary? During the last severe gale eight or ten ships had been blown away from the coast of Northumberland, driven on to the coast of Holland, and wrecked, with the exception of one which, anchoring in the South Elbe, had ridden out the gale for seventeen days, and thus had saved the lives of the crew. It had been proved in evidence, in the Committee over which he had presided, that the difference in cost between absolute danger and absolute safety in the matter of anchors and cables only amounted, in a small vessel of 250 or 300 tons, to £7 10*s.*; and in a ship of 1,000 tons to £30 or £35. It appeared, from the Wreck Return for 1862, that the tonnage wrecked, or seriously damaged, amounted to 325,949 tons—an excess of 72,711 over the preceding year. Taking that at £10 per ton, on an average of good, bad, and indifferent, it gave a loss of £3,259,490 in those ships. When it was considered that that loss of money had been accompanied by a loss of 800 lives, and by 14,573 persons being placed in jeopardy, he thought it was almost time for the House to interfere. The number of wrecks ascribed to defective ground tackle was 203; but, as the wreck chart only showed the position of the wrecks without giving the primary cause, he thought that many ships were lost from the cables or anchors parting, and the vessels then drifting some distance before they were wrecked. Since the question had first been brought before the House, a remarkable change of feeling had taken place in the country. At first, he and his hon. Friend (Mr. Laird) had been assailed by a cry that they were about to introduce another restrictive regulation on the trade, which was already too much hampered. Now, petitions had been presented from all in the country who were interested in the manufacture of good and honest chain cables. There were petitions from various Chambers of Commerce in the United Kingdom, the Committee of Lloyds', the General Shipowners' Society of London, all the maritime insurance corporations, the underwriters of London, Liverpool, Bristol, Glasgow, Dublin, and Belfast, the great steam shipping companies, the Peninsular and Oriental, the Royal Mail, and the Cunard — all had signed and deposited petitions in favour of the Bill. He trusted, therefore, that the time had come when the House would in its wisdom see fit to pass the second reading, and eventually to carry the Bill.

Moved, "That the Bill be now read the second time."—(*Mr. Laird.*)

Mr. HUTT: The hon. Member for Birkenhead had justly observed that there existed throughout the country an earnest desire that Parliament would provide if possible, by special enactment, that no merchant vessel should proceed to sea unless she was provided with ground tackle of sufficient strength to give every possible security for the lives of the seamen who navigated such vessels. He believed that these were the sentiments of chain manufacturers, shipowners, and persons generally who were interested in shipping, and he believed also of a majority of the Members of that House. It was very natural that it should be so, for the question dealt with the lives and safety of a large body of the people of this country; with a class, in fact, who, by the nature of their avocation, by the dangers to which they were constantly exposed, and by their general habits of life, were specially entitled to our sympathy and protection. He was not, therefore, there to deny the necessity of considering some measure like the present. The facts upon which it was founded were sufficiently established by the Committee of 1862, of which he (Mr. Hutt) had had the honour to be a member, as it was then proved that a number of our merchant vessels habitually proceeded to sea without having tackle of sufficient strength to hold them against the dangers which they might probably have to encounter. This being the case, he thought it was the duty of Parliament to provide, by all reasonable and practical means, for the reform of such a state of things; and this was the view of Her Majesty's Government. Agreeing, therefore, in many of the reasons which the hon. Member for Birkenhead (Mr. Laird) had urged in support of the Bill, and agreeing also with the principle of that Bill, he was not going to oppose the second reading. Still, however, agreeing, as he did, as to the magnitude of the abuse to be remedied; agreeing also as to the duty of Parliament to remove, by all attainable means, abuses of this nature, he must still confess, that he had not full and entire confidence in the efficiency of the Bill for that purpose. He was not going, on the second reading of the Bill, to enter minutely into all its details, nor to follow the hon. Member for Birkenhead in all the remarks he had made; but there were one or two observations which he felt bound to offer, as to the probable practical efficiency of the measure. His hon. Friend proposed to provide that all anchors and cables furnished to merchant shipping should be, in the first place, submitted to a test of a certain strength, and that certificates that such tests had been applied should be furnished to the Custom House officers before the vessel could be cleared at the Custom House. So far this was very good; but the Bill provided no means of tying this certificate and the cable together. No one was to examine the chain and ascertain that it agreed with the certificate. He could not see why a fraudulent person might not use the certificate for a chain different from that for which the certificate was issued, or to pass any number of chains by authority of the same certificate. Another point to which he called attention was, that there was no limitation to the effect and duration of the certificate. A person might send a ship to sea with anchors and cables properly tested and certified; the anchors and cables might be seriously strained and injured during the voyage by use or by neglect; the anchors and cables, however unfit for service, might still be on board-ship; but the certificate would still purport that they were in a sound and perfect state. He submitted these suggestions to his hon. Friend in the hope that the defects he pointed out might be remedied in Committee; and he could assure him that he (Mr. Hutt) should enter the Committee with every disposition to mature the Bill into a practical and efficient measure.

Mr. Alderman ROSE said, his constituents took great interest in the Bill. If firearms and cannon, by which life was destroyed, were required to be tested to ensure their being used with safety, he thought anchors and cables, so frequently instrumental in saving life, should have a similar endorsement, so that the public might know when they obtained proper articles. It had been stated that 80 per cent of the anchors and cables used in the mercantile navy were below the proper standard of excellence. That was surely reason why legislation should take place. In Committee all difficulty about certificates and the weight of cables could be obviated. If passed, he believed that the Bill would be the means of saving a vast amount of life.

MR. LINDSAY said, that this subject had been brought before the House by the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) in the year 1859. The hon. Baronet made an appeal to the feelings of the House, and a Committee was appointed to consider the subject. That Committee examined a great number of witnesses from different parts of the country — shipowners, chain and cable manufacturers, and others—and there was no doubt that the feeling of the majority of the Committee and of the majority of the witnesses was in favour of an attempt to prevent any but efficient chains and anchors from being sold: but nine out of the eleven members rejected the proposal for a compulsory test. He believed the recommendations of the Committee were being carried into effect to a considerable extent. The rule had been adopted at Lloyd's that no vessel should be classified, unless she carried anchors and cables which had been tested. Testing machines had been established in Staffordshire, where many of the cables and anchors were manufactured; also at Sunderland, Newcastle, and other places; and the result would be that before long shipowners would not purchase any cable or anchor that had not been subjected to the proper test. They were the parties most interested in having properly-tested anchors and cables, for in the event of the underwriters finding the articles inferior, the insurance would be vitiated. He trusted the Report, to which reference had been made, would be more generally circulated. It had been stated that ninety-three vessels had been lost last year in consequence of being furnished with insufficient anchors and cables. He questioned whether all those vessels had been lost in consequence of defective anchors and cables. The pressure of a hurricane was sometimes so great that no chain could resist it, and he doubted very much whether these vessels would not have been lost if the present Bill had become law. Nine out of the eleven members of the Committee rejected the proposal of the Chairman of the Committee for compulsory tests. If this Bill could be carried into practice and effect, he (Mr. Lindsay), considering the object in view, would give it his cordial support—nay, he would do so if it would effect only one-tenth part of the object. But that he feared could not be done; and then the effect of passing the Act would relieve shipowners from the duty they were under to the public, and make them throw all responsibility, so far as their cables and anchors were concerned, on the Act of Parliament. They would say they had complied with the provisions of the Act, and there they would consider their personal responsibility ended. But how was the principle of this Bill to be carried into practice? The Bill provided that the Board of Trade should grant licences for erecting testing machinery; but suppose nobody took out any licences? Licences would certainly not be taken out in remote districts, because the number of chain cables and anchors to be tested would not be sufficient to pay for the erection of the testing machine, and so the small manufacturers in remote districts would be destroyed, because no manufacturer was to be allowed to test his own anchors and cables. The effect would be, therefore, to give a monopoly to the large manufacturers of Staffordshire and Wales, where, of course, testing machines would be erected. On the other hand the Bill would really have the effect of destroying one of the largest manufacturing firms in the country, he meant Messrs. Brown, Lennox, and Co., provided no person set up a testing machine, for the Act prohibited them from doing it. The manufactory of those gentlemen was in Wales; there would be no testing machines in their neighbourhood; they could not be allowed to test articles manufactured by themselves; and, therefore, unless they could induce some company or corporation to establish such a machine, they would be forced to abandon their manufacture, and dismiss their 3,000 or 4,000 workmen. Another provision in the Bill which would require alteration was that which forbade the sale of untested cables, after this Act came into operation. There were in various places, particularly on foreign stations, large stocks of cables now on hand; and if this provision was adhered to it would be necessary to compensate their holders. He would further ask how, after a certificate of testing had been given, they could know that the anchor or cable certified was the one on board the ship, unless an officer was appointed to examine every cable or anchor in every ship. He had thought it right to point out these defects in the Bill, but he should not offer any opposition to its being read a second time, and when it got into Committee he would do his best to make it effective.

Mr. CAVE said, with regard to his hon. Friend's last observation, that this was a new and dangerous principle, it was really no new principle; it was simply carrying out the principle, the double principle, he might say, on which the legislation of this country so often proceeded —that of making certain requirements in the first instance, and then insisting also upon certain results. In rising to support the second reading—that was, the principle of the Bill—he would first concur in the remarks of the hon. Baronet and of the hon. Member opposite, respecting the valuable Return of the Board of Trade respecting wrecks. He did not know on what principle blue-books were distributed to Members; they frequently got those of the most local and partial interest, while others, which were of general interest and importance, were left in the office till called for, so that they often missed them altogether. He need detain the House with very few observations on the principle of the Bill; it had been fully discussed last year, when a similar measure was passed by a majority of the House; and in 1862, when a clause to the same effect was proposed in the Merchant Shipping Acts Amendment Bill. Since those discussions the popularity of the Bill had steadily increased, and hon. Members who had objected had withdrawn their opposition. The necessity was proved by the resolution of the Committee of Lloyd's Register, which showed that Underwriters required protection against the great and growing evil, the worthlessness of iron chain cables. But all ships were not registered at Lloyd's, and Lloyd's was a private company which might alter its resolutions, so that the Bill proposed to give a wider scope and greater permanence to the application of the principle laid down by Lloyd's committee. His hon. Friend (Mr. Lindsay) approved of Lloyd's resolution, yet the difficulties he had mentioned of testing machines being erected in small places, and the consequent concentration of manufactories in the hands of a few great firms, followed as much from the resolution as from the Bill; and it was equally open to his objection, that shipowners ought to take care of themselves, and not be dependent on others in such matters. It had been said that this Bill would have a tendency to lower the standard of manufacture. He thought that many shipowners, and especially public companies and foreign governments, would still go to those manufacturers whose work was very superior. Still, it might have a tendency to lower work to the standard in many cases, while rising it in others. But they must strike the balance of advantage and disadvantage, and he had been told by an Underwriter, that under such a system he would be far better protected than he was at present. So much for the principle of the Bill. With regard to the details, he believed there would be found many of the difficulties alluded to by right hon. and hon. Members opposite. He had proposed an Amendment last year allowing manufacturers to test their own work under inspection. The House had not thought right to pass it. Still he was justified by the practice of the Admiralty, which allowed the firm of Brown, Lennox, and Co., to which allusion had been made, to test the great mooring chains at their own machine under supervision. Messrs. Brown, Lennox, and Co. made nearly all the chains for the Admiralty and the Trinity House, and these were first tested at their own works at Cardiff for protection against their own workmen. They were then, with the exception he had mentioned, tested at the various dockyards. It would be of no use, but an expense to the public, subjecting these to a third test; and he proposed in Committee moving an Amendment exempting public bodies, not being trading companies, from the operation of the Act. There were other points of detail, such as the absence of a penalty for the infringement of Clause 7, the question whether the Act should apply to goods made for exportation, and whether there should be a provision for extending the time at which the measure was to come into force, if necessary, as had been done in the case of Lloyd's resolution. These were questions for the Committee; and with these observations he was quite willing to support the second reading of the Bill.

Mr. BENTINCK said, he also was a Member of the Committee which had inquired into that subject, and he differed from his hon. Friend the Member for Sunderland, who also sat on that Committee, as to the expediency of their passing the measure, one of the main objects of which was to protect small shipowners who could not guard against bad manufacture, and who were not assisted by the rule at Lloyds. His hon. Friend was opposed to the Bill. He believed that some of the arguments which his hon. Friend had employed against the Bill might fairly afford reasons for its adoption. His hon. Friend told them that the measure was unnecessary, because Lloyd's at present required that their anchors and chains should be tested. But if Lloyd's had thought proper to adopt such a precaution, that fact naturally afforded a reason why a similar security should be provided in the case of the rest of the shipping of the kingdom. His hon. Friend also told them that shipowners for their own sakes would purchase the best cables; but experience had shown that they did not always do so; but if it was their interest surely the Legislature ought to give them facilities for doing so. His hon. Friend had afterwards used the very remarkable argument, that as there were many cases in which no want of precaution could prevent calamities, the Legislature ought not to interfere in the matter. But it was stated in the blue-book that in the year 1862 not less than 203 casualties at sea had occurred solely in consequence of the use of bad anchors and cables; and they ought not surely to abstain from an attempt to prevent the recurrence of such an evil merely because there were other calamities which were placed wholly beyond their control. His hon. Friend said, that the Committee which inquired into that subject had abstained from recommending compulsory legislation; but he (Mr. Bentinck) believed that the Committee had come to that decision because they supposed that, after the publicity which had been given to the evil by their inquiries, it would work its own cure. That expectation, however, had not been realized, the evil had increased instead of diminishing; and he could not help thinking that if the matter were again referred to a Committee, a majority of the members would be in favour of compulsory legislation. The right hon. Gentleman the Vice President of the Board of Trade, had expressed his apprehension that the certificate and the chain could not be tied together; but he (Mr. Bentinck) believed that a chain that had been tested could be properly stamped—which could be as easily done as stamping a bank-note; and that the object in question could thus be attained. It appeared to him that there were two strong objections against rejecting immediate legislation. First, it would be entirely inconsistent with the practice with respect to other things; for instance, they insisted on gun-barrels being tested; gun-barrels were tested to lessen the danger of human life; and, therefore, they should carry out the principle in a matter ten times more important. Unless something were done, they would, in effect, be sanctioning a system of fraud. Secondly, by refusing to deal with this subject they gave an encouragement to fraud, and put out of consideration the enormous pecuniary loss which occurred to this country from the want of a proper remedy, to say nothing of the still more important consideration of the loss of life. He held that they were not only bound to pass this measure, but to pass it in the most stringent form.

MR. HORSFALL said, he was surprised to hear the objections to the Bill endorsed by the hon. Member for Sunderland, himself a shipowner. Shipowners were not all rogues, but if they were the ninth clause would render them guilty of a misdemeanour. He apprehended no difficulty whatever in connecting the chains with the certificates. The fact seemed to be overlooked, that before the Committee which took evidence on this subject, strong opinions in favour of testing were expressed, both by shipowners and manufacturers. He had himself presented a petition, having a similar object, from the Mercantile Marine Association of Liverpool, a body numbering over 1,000 members, principally captains and mates of vessels, who surely ought to know something on the subject. Where there was a will there was a way; and the Board of Trade, if they were determined to carry out the principle, would find there was no difficulty that might not be easily surmounted.

MR. LEFEVRE said, he did not intend to offer any opposition to the Bill, which, however, seemed to him not to be founded on a right principle. It seemed to proceed upon the assumption that at least all cablemakers were rogues. He did not see why it was to be assumed that cables required to be tested any more than the cordage or other essentials of a sea-going vessel. As for the testing of gun-barrels, he held it to be objectionable; there were many other articles, such as iron girders, taking an important place in manufactures, with which the Government easily abstained from interfering. With reference to the words in the eighth clause, "all vessels insufficiently equipped with anchors," he was surprised that the Member for Birkenhead (Mr. Laird), whose attention had been so pointedly drawn to the word "equipping" by recent discussions upon the Foreign Enlistment Act, should not, in framing the Bill, have rendered his meaning more intelligible.

Mr. HASSARD thought the matter had been treated too much as an owner's question, and was anxious to say a few words on behalf of the crews, whose necessities compelled them to take service in vessels which were often indifferently found. In his experience as a magistrate, cases had come before him of men deserting from a vessel loading ore upon a rock-bound coast, where it was necessary to slip anchor and be off when the wind came from the south. The vessel parted her cable several times; in fact, whenever they put out an anchor strong enough to hold a ship the cable invariably gave way, and when they got out a cable of suitable resisting powers the anchor invariably came home. The magistrates felt that it was not a case in which they could direct the men to return to the ship, and dismissed the complaint. He believed that the state of facts he had described applied very largely to the coasting trade, and it was, therefore, high time for the Government to step in and offer these men some security, that the best means should be taken to secure their safety; for when a man shipped himself on board a vessel he could have no idea how the vessel was found in her equipments. The constituents of the hon. Member for Sunderland (Mr. Lindsay) were so convinced of the value of testing, that they established a machine at Sunderland; and, in consequence, the character of the chains made at that port now was better than that of chains made elsewhere. There was no objection to this Bill that could not easily be removed, and he hoped to see it amended into a good working Bill.

Motion *agreed to.*

Bill read 2°, and *committed* for *Wednesday* next.

POOR'S RATE.—LEAVE.

Mr. BERNARD, in asking leave to introduce a Bill providing for the more equitable distribution of the Charge on Landed Property for the Relief of the Sick and Destitute, known by the name of Poor's Rate, said, the subject was one upon the right dealing with which the welfare of the labouring classes largely depended; and he knew full well how much the success of a measure depended on the skill and experience of him who brought it forward. He must, therefore, claim the indulgence of the House as one who had never previously taken any part in the debates. Being interested in the agricultural districts, he had attended meetings and read many works in which the insufficiency and discomfort of the dwellings of the labouring classes was strongly insisted upon; but he had never been able to find out that any gentleman, easy as it was to point out the defect, had suggested any adequate remedy. The evil was no new one. He was an old man, and could remember that, early in the present century, a society, called the Society for Bettering the Condition of the Poor, was at work, and in its reports strongly urged, among other recommendations, that persons should turn their attention to the improvement of the dwellings of the poor, as the most likely means of giving them more self-respect and a higher tone of morals. A number of benevolent individuals acted upon the suggestion, and in their particular districts vast improvements took place; but the majority of persons throughout the country remained perfectly passive, and things had continued down to the present day very much in the same condition. Many years ago he held the office of chairman of the board of guardians of Aylesbury, and had, during that time, every opportunity of observing the manner in which the Poor Law worked in regard to the dwellings of the poor, and his experience was that it worked very defectively. In parishes where the lands were held by very few proprietors, these were enabled to combine and prevent the families of labourers necessary for the cultivation of the soil from settling within their precincts, the object of course being to avoid chargeability in case of illness. He found, from some statements he had prepared, that in four parishes comprised within the union of Aylesbury, there had been a falling off of thirty-seven residents, although in the same time there had been a total increase of 501 in the population within the union, and not more than eighty-seven of those 501 could be appropriated to the county town of Aylesbury. Farmers found that, practically, they could not get their lands well cultivated with less than three able-bodied men to every 100 acres, excluding the extra hands required at hay and harvest; and one able-bodied man to every five of the population was a full average. Applying this rule to the exclusive parishes to which he referred, he found that not more than a sixth of the requisite labourers were able to live in the districts where their work lay, the remainder being obliged to walk two, three, and sometimes four miles a day, morning and evening, to and from their work. He had been assured, on the authority of a medical man, who had practised for forty years in Aylesbury, that this amount of walking, superadded to the physical labour of the day, was productive in many cases of premature infirmity, debility, and even death. Even in an economical point of view, he thought country gentlemen and farmers would soon find out that the present system was a mistake, because fully 25 per cent must be deducted from the labourers' power; and it had been remarked, that farms where the labouring population were non-resident, could never be kept in as good condition, particularly as regarded drainage, as those where the men lived upon the spot. All the medical men he had consulted assured him that a change in the present system would greatly diminish the present charge for the poor in sickness and old age; and indirectly these circumstances must have an effect upon the amount of rent. The pith of the remedy which he proposed was the substitution of union rating for county rating. If the House permitted him to bring in the Bill, and he should be so fortunate as to pass it through its second stage, he should insert a clause that its provisions should not come into operation for three years, so as to give the farmers and landowners an opportunity of making their arrangements; and he should be very much mistaken if a large number of new cottages did not make their appearance within that time, as well as lead to the improvement of those in existence. Farmers would be much better pleased and feel more satisfied when their labourers were close at hand, and gentlemen would find the country more attractive by seeing a happy, well-conducted, and healthy peasantry around them; and those exorbitant rents which were exacted by speculators who built cottages in those crowded parishes would no longer exist. A landowner, when he considered the advantage he would gain in the additional work he would get from labourers who resided close to his own lands, would be well paid if he got three or four per cent for the outlay of his money in building cottages. He hoped he had said enough to induce the House to allow him to introduce the Bill, and he had no doubt that he should be able, at a future stage, to show them more conclusively that they had, for a long time, been following a mistaken system. The hon. Member concluded by moving for leave to bring in the Bill.

MR. COX said, he would second the Motion, though he differed with the hon. Gentleman in many of the statements he had made, and he did so because he believed that it would open up the large and extensive question of the equalisation of the poor rates. It was proposed to limit the operations of the Bill to the agricultural districts; but he should seek to extend its provisions to the metropolis, where the poor rates varied from 1*s.* 4*d.* to 5*s.* and 6*s.* in the pound.

Motion made, and Question proposed,

"That leave be given to bring in a Bill for a more equitable distribution of the Charge on Landed Property for the Relief of the Sick and Destitute, known by the name of Poor's Rate."—(*Mr. Bernard.*)

MR. WARNER agreed in much that had been said by the hon. Member who introduced the Motion, but he thought he (Mr. Bernard) must see that it opened a much wider question, and involved the whole subject of the Poor Law. This was a question which pressed urgently on the attention of Parliament, and no greater proof of its difficulty and importance was required than the fact, that a Committee of that House had been taking evidence on it for two years, and had as yet arrived at no other conclusion than the necessity of its own re-appointment. There were two prominent and growing evils which required the earnest consideration of the Legislature. One was the increasing inequality of the pressure of the rates on the ratepayer, and the other was the hardship which the present system inflicts on the labouring classes, by preventing them from selling their labour to the best advantage, by taking it from one place to another, and depriving them of decent accommodation in the neighbourhood of their work. No doubt these facts would be denied by some persons. Every fact was contradicted in that House which bore ever so remotely on political questions. About ten years ago the Member for Worcestershire, whom he did not see in his place, published a pamphlet, of which he was good enough to send him a copy, and no doubt to other Members. This pamphlet contained a collection of Poor Law paradoxes. The most startling among them was, that the system of close parishes was very advantageous to the poor, and economical for the ratepayers at large through the country. Of course, he proved it by statistics. Selected statistics would prove any paradox in the world. For anything he knew, the hon. Member might be of the same opinion still. But the experience of the ten years and the common sense of the country at least was against him. He did not wish to overstate the case. He did not believe that, as had sometimes been said, cottages were pulled down to any large extent. But it came to the same thing, if they were not built nor repaired. And this was the case to a great extent in most of the agricultural districts. This was not a complaint, as some perhaps thought it, got up by *The Times* in the dull season of the year. The whole country was ringing with it, and it was discussed quite as much in provincial newspapers as in London. He had a letter in his hand from a gentleman who had recently sent a series of remarkable articles to a country paper, containing the result of his personal experience, during a number of excursions in a county distinguished for the perfection of its agriculture. The state of the cottage accommodation which he described was scarcely credible. It was a common case, which he met with almost everywhere, for seven, ten, or even twelve persons, to be huddled together in one small room. The misery and the indecency were past belief. This was a subject which demanded the attention of Parliament. The tendency of the law was to drive the poor out of agricultural districts, and to concentrate them in the town parishes. He did not deny that there might be attracting forces in the towns, as well as repelling forces in the country. Endowed charities might exercise some influence and the greater prospect of chance employment. But the great cause of all was the law. When we come to consider the remedy, he did not think the measure now proposed would be of any perceptible advantage. The complaint of the unequal burden of rating lay not so much between parish and parish as between union and union. Take the case of the metropolis. There were great parishes in the west which were unions in themselves, such as Paddington, and St. George's, Hanover Square, where the rates were as low as fourpence and fivepence in the pound ; and there were unions in the east where nearly all the parishes were very heavily burdened. A great deal of evidence had been taken in the last few years before Committees, and the weight of it was certainly in favour of a larger extension of the area of rating. Those who had the largest experience of the working of the law were in favour generally of county rating. There was Mr. Corder, the clerk to the guardians at Birmingham, Mr. Moore, from Leeds, and a gentleman with large experience in London, the vice-chairman of the West London Union, Mr. Potter. These and others were all in favour of county rating. He would not dwell on the evidence from the city which he had the honour to represent, further than to say that the three gentlemen, who came as witnesses from Norwich, representing very different political opinions, were umanimous in advocating a large extension of the area of rating beyond the union. But the objection is raised against proposals for the extension of the area of rating, that they are attempts to charge one man's property with the burden of another man's debts. He did not think this was a fair statement of the case. The intention of the Poor Law was, that the property of the country should be charged with the support of the poor. The unequal distribution was an accident, and had nothing to do with the principle of the law. The law of settlement was introduced about the middle of the last century, for the purpose, as it was said, of preventing paupers from wandering about the country to places where the "best stock" was. All the complications and inequalities of the law had grown up, as all English law grew up, from the necessity of providing for practical details. Parochial distinctions were made not upon any principle, but in hope of securing efficient supervision. And what had been the course of legislation? Parliament had never recognized the claims of parishes or districts to a permanently lighter share of the burden than was borne by others. When the Irremovable Act was passed in 1846, the immediate effect of it upon the city of Norwich was to throw on the rates an additional charge of £4,000 a year. Birmingham, he believed, Salisbury, and many other places, suffered by it in the same way. The Act of 1861 still further increased the pressure on those places. He did not blame the policy of those acts. He thought them just and necessary. But he argued from them that Parliament did not recognize the claims of different parts of the country not to have their proportionate burdens increased. He thought that the principle of those acts must be carried still further. Nobody now advocated removals. They were given up in theory, though sometimes carried out in practice. And the law of settlement must be given up too. We were coming to that. It was certain that it could not be long maintained. The poor man would soon have a right to relief, wherever he became destitute. But while we were merciful to the poor we must be just to the ratepayer, and not allow the burden of relief to be concentrated upon particular places. Union rating would be of little use, because the area was too small. A national rate was out of the question, because there could be no proper supervision. It would be little better than throwing the whole relief of the poor on the consolidated fund. A county rating was in every respect the most convenient principle. It offered a fair approach to equality. It was not too large an area for management. Several witnesses before the Committee had pointed out how it could be worked efficiently. Above all, it was an ancient and well understood division, which would require no new complicated arrangements. He did not oppose the Motion of the hon. Member opposite. He hoped his principle would, before long, be carried much further. As his Bill stood, he thought very little good was to be expected from it.

MR. PACKE said, he would not offer any opposition to the introduction of the Bill, although it opened the door to a much larger question than was contemplated by its framer. He believed that the proposal would entail such grievous consequences upon agricultural parishes in the neighbourhood of manufacturing towns, that derived no benefit from the labour of those towns, that it could not meet with the sanction of the House.

SIR BALDWIN LEIGHTON doubted whether the measure of his hon. Friend would have the slightest effect in bettering the condition of the poor. A great deal had been said about the want of cottages and the manner in which they were allowed to go to decay; but these evils were not chargeable on the law of settlement. The great expense of building cottages and keeping them in repair, and the small return on the money invested, were the causes of the insufficiency of cottage accommodation. Sometimes landowners were to blame. He knew a gentleman of large income who allowed his cottages to go to decay, when £100 or £120 would have put them into repair. As a rule, however, the landowners in rural districts were by no means a rich class. In other cases cottage accommodation was deficient because the landlord, although rich, was non-resident, and did not care for the poor. In justice to the agricultural districts, however, it should be remarked, that however wretched their cottages might be, they would bear a comparison with the house accommodation in large towns. He scarcely knew a cottage which had not a bed-room as well as a sitting-room; but in London very few labourers were able to rent two rooms. The agricultural labourers were thus better lodged than the same class in towns. He did not know how this was to be remedied: it was not the law of settlement which prevented the building of cottages, but the inadequacy of the return to the expense. Much had been said concerning the great distances which the labourers had to traverse in going to and from their work; it was sometimes very great, but it was a fact that sometimes farm labourers liked to live at a distance from their work. He had a man in his employ who, it was calculated, in the course of thirty years had walked 30,000 miles to and from his work, when he might have lived close by. In many cases it was impossible for the labourer to live near his work. He knew an estate on which £4,000 had been laid out in building cottages, the return being only some £10 or £15 in rents. He admitted, however, that this outlay had been very serviceable to the parishes; for the poor rate on this property which used to be £300, was now only £100, so that the saving of £200 a year in poor rate was not, perhaps, a bad percentage on the outlay. Poor rates might be reduced by employing a better class of labourers and improving their habitations; and this was a reduction of the poor rates made in the most legitimate way. He did not think the measure proposed would be of the slightest benefit in preventing a continuance of the abuses which at present existed.

MR. C. P. VILLIERS said, he did not think it desirable at present to enter into a general discussion of the question on the

Motion for leave, for it could be taken more advantageously at a future stage. It was not the intention of the Government to oppose the introduction of the Bill—indeed, as far as he understood its object, he agreed with it. But the question was a much larger one than it appeared to the view of his hon. Friend. The hon. Member proposed to substitute the area of the union for that of the parish for the purpose of the rate for the relief of the poor. This was a plan that had from the first received the approval of the Poor Law Board; it was at first contemplated as part of the Act itself; the very competent man who originally presided as Commissioner had always been for it; and it was distinctly recommended by a Committee of that House. His able predecessor (the late Mr. Baines) introduced a Bill for the purpose, sanctioned by the Government of the day; and if he might refer to his (Mr. Villiers) own opinion, as having assisted in the original inquiry in 1833, he could say that from that time to the present he had always preferred it to the parochial system. If, however, he was asked why, then, he had not proposed it since he had been at the Board, he could only say that he believed he should not have succeeded in carrying it without having first overcome some of the difficulties which had caused its rejection before. One difficulty always had been with regard to the principle on which the contributions to the general fund should be raised. The effect of the parochial system had been to exempt some parishes entirely, and to cause in others every kind of inequality, and injustice besides, in the distribution of the burden .It was difficult, therefore, to induce parishes that were exempt or slightly rated to support the principle of equal contribution, based on the value of all the property rated ; and the resistance on account of this interest had always been extremely influential. Again, it was said that the guardians would not be as careful in dispensing the relief drawn from the union or common fund, as they would be when it proceeded from their own parishes; and again, it was said that the poor would not be so well taken care of as under the parochial system ; and these reasons had usually been sufficient to secure the rejection of a Bill for union rating. Since, however, he had been at the Board, measures had been introduced which, in a great degree, removed these objections; for an Act —the Union Assessment Act—had been passed subjecting the property of the union to be rated according to its value, in support of the common fund, and also a measure passed securing to everybody who had lived in a union for three years the status of irremovability, placing, also, several other charges upon the same fund ; so that they were in a position then to see the right principle of rating in the union established ; and also, by having very largely increased the amount of that fund, of judging of the manner in which guardians administered the funds drawn from that source, as compared with that derived from the parishes alone. He believed he could say, that these measures had given general satisfaction. The justice of the principle of rating was universally admitted, and, if he had been correctly informed, the guardians in many places, observing the large amount of the relief incurred by charges upon the common fund, were becoming far more vigilant than they had ever been before. The inequality of the rate formerly had also been greatly increased on another account—namely, the very inaccurate and improper way that property had been valued for the purpose of rating. This, again, had been rectified by the admirable manner in which the Assessment Act was operating, which secured an intelligent valuation, and an annual revision of it, in every parish, by assessment committees, and which would really secure justice in the system of rating, which had not existed before. They had, then, satisfied the chief conditions of a safe union system, instead of the capricious and irregular parochial system. He need not say, moreover, that the status of irremovability having been secured to all who had lived in a union for three years, the great evils to the poor in being constantly subject to removal had been very greatly mitigated. His only question, therefore, as to the measure which the hon. Gentleman had proposed was, whether it might not be well to allow the great benefits which had arisen from these measures to be more generally observed before pressing the measure at that time ? He was not prepared to say that the hon. Member was not right, but this consideration had had its influence with him. The hon. Member very likely knew the country better than he did, and knew that people were ready for the measure he had proposed. He should be glad of it if it was so, and he should support it at all events; the measure had been nearly twenty years before the House; it was, therefore, no novelty. It certainly was far short of what the hon. Member for Finsbury (Mr. Cox), or the hon. Member for Norwich (Mr. Warner), proposed, but still it would be a great improvement.

Mr. HENLEY said, it was now the custom to see measures brought before the House by private Members before they decided against them, and therefore he would not oppose the Bill at its present stage. The President of the Poor Law Board had led the House to believe that the operation of the Irremovable Poor Bill had been to throw one-half of the maintenance of the poor on the unions instead of on the parishes. But a large portion of the burden so cast on the unions arose from lunatic paupers. If that item were taken away the proportion would not be nearly one-half. The question of cottage accommodation had been dragged rather unnecessarily into this debate, but he agreed with his hon. Friend (Sir Baldwin Leighton) that it had nothing to do with the law of settlement. The people who wrote so much about cottage accommodation argued that cottages should be built like farm outbuildings—a certain number for every farm. But if the farmer were left to make a bargain with his labourers in regard to their cottages, the poor would be anything but benefited by the change. If there were to be a great shifting of the burden of poor rates, as some proposed, landowners would be driven, not to increase the number of cottages on their estates, but to lessen them. The commercial principle was making advances in agriculture as in other things. The farmer found it more profitable to take on a number of labourers when there came a few fine days than to keep on the same number all the year round. In large parishes it was found that the land produced a higher rental than in smaller parishes where the labourer was constantly employed, and unions would in this respect resemble the larger parishes if a union rating were adopted. Boards of guardians would no doubt manage the poor more easily to themselves than at present, but for this reason—that no one would be interested in the difference. He believed that not only would the poor be much worse off under this Bill, but that, by shifting the burdens, landowners would be driven to recoup themselves in the best way they could. There would then be a call which it would be impossible to resist for a national rate. If they took £1,000 from the pocket of A and put it into the pocket of B, A would call out to be relieved by a more extended area. The poor rate in this country was, on the whole, now comparatively easy, and employment was found for the people except in Lancashire and Cheshire. But there might come a time when the people were out of work, and Parliament should be warned by the experience of Ireland as to the difficulty of finding in a large area the means of setting people to work. He should not have said so much on the present occasion had not the President of the Poor Law Board chosen the opportunity to make a strong speech in favour of union rating.

Mr. BARROW thought it desirable to have further experience of the working of the recent changes in the administration of the Poor Law. The law of settlement was becoming obsolete, but it was better that the alterations rendered necessary by the change of circumstances should be gradual. They had not had sufficient experience of the working of the Irremovable Poor Act and the Union Assessment Act, to justify them in taking the step now proposed. He should be sorry to see the relief of the poor extended over a wider area than it was at present, for he doubted whether, if the area of rating were materially extended, the supervision of the guardians would be so carefully exercised, in which case the poor would suffer materially.

Mr. BERNARD said, that if the Government were willing to take the subject in hand, he would gladly transfer the Bill to their charge. After the statements of the President of the Poor Law Board and the speeches of his hon. Friends near him, it would be useless to proceed with his Bill during the present Session.

Motion, by leave, *withdrawn.*

House adjourned at Three o'clock.

HOUSE OF LORDS,

Thursday, February 18, 1864.

MUSEUM AND LIBRARY OF PATENTS.

QUESTION.

The Earl of POWIS asked (pursuant to notice), Whether any steps will be taken this year for providing a proper Museum and Library of Patents? The noble Earl said he wished in a few words to recall to their Lordships' recollection the actual state of affairs in regard to this subject. In 1852 the Patent Office was remodelled and put in charge of the Lord Chancellor, the Master of the Rolls, and the Attorney and Solicitor Generals. Inventors were allowed, upon payment of a certain fee, to obtain provisional registration of their Patents, and were required to pay further sums in three and seven years, in order to keep those patents up. The patents, when kept up to the full extent of their periods, were valid for fourteen years; but it was well known that but a small number of them were allowed to survive until that time. The revenue derived from patents was very considerable. The average number of applicants was about 3,000 a year. The revenue arising from stamps and instruments connected with them amounted to about £20,200 a year. The holders of patents were subjected to a heavy taxation in the shape of office fees, which amounted to about £91,000 a year. After payment of the expenses of the Patent Office were paid, there remained a net revenue of £44,000 a year. The fees paid to the Law Officers of the Crown amounted to £9,600, and they were of an extraordinary character. Now, the duties of those officers were almost a sinecure—at all events those fees were an extravagance that ought to be abated. They amounted nearly to the salary of the Lord Chancellor, and were almost double the salary paid to each of the puisne Judges of the Court of Queen's Bench. It was in respect to the surplus of £44,000 that he asked the Government to provide a proper museum and library of patents without further delay. The tenure by which the present offices were held was very unsatisfactory and precarious, inasmuch as since 1855 notice had been given by the Court of Chancery that those offices would be required for other purposes. When his noble and learned Friend sitting below him presided on the Woolsack (Lord Chelmsford) the museum and library were attached to the Patent Office, and they were found to be extremely useful additions. It was highly necessary that the valuable knowledge to be found in those two departments should be made as accessible as possible to owners of patents as well as applicants for them. The facts, however, were these—there was no standing room in the library, and the books had so increased that there was no room for a large number of them except upon the floor; and it was impracticable for any one to pursue his researches there for want of the requisite facilities. The museum was almost equally useless. He believed that several valuable models had been offered to the Government, who were obliged to decline them because room could not be found for their accommodation. He must say that inventors had good reason to complain of this state of things, and they were a class who were well deserving of consideration.

Earl GRANVILLE said, he fully concurred as to the importance of the subject to which the noble Earl had directed the attention of their Lordships. It was, indeed, already under the consideration of the Government. There was a space of eleven acres immediately contiguous to the Kensington Museum, on a portion of which he hoped before very long that a Patent Museum might be erected. There was no question that the accommodation at present afforded for this purpose was quite inadequate.

CLERKS OF THE PEACE.

OBSERVATIONS.

The Earl of ROMNEY said, he rose, according to notice, to call attention to the State of the Law with regard to the Removal of Clerks of the Peace from their Office; and to ask Whether Her Majesty's Government will consider the subject with the view of amending the Law in this respect? It was the duty of a clerk of the peace to make out jury lists, and also lists of persons claiming to appear on the register of voters. He held his office for life, during good behaviour; and he was removeable by the justices in sessions, on information, for misconduct in his office. In some cases it had been said that he might be removed if he had been guilty of any disgraceful offence; but generally it was for misconduct in his office alone that he was removed. These officers were often solicitors, and might in that capacity act as trustees; yet, if a clerk of the peace rendered himself liable to a prosecution, under the Fraudulent Trustees Act, the injured parties might not be induced to proceed against him, from a belief that there would be more chance of getting back their money if he were not removed from his office. When persons in humble life were committed to prison for stealing sums of two or three shillings from their employers, he thought it was a scandal to the law that any one holding this office should not be made amenable for offences of a much more serious nature of which he might be guilty.

THE LORD CHANCELLOR said, that the subject was a very difficult one to deal with. A clerk of the peace held his office *quam diu bene se gesserit*—that was practically for life—being only liable to removal by the justices if he "misdemeaned" himself in the execution of his duty. His whole life might be a scandal to the administration of justice; but he could not be removed from his office unless his misconduct was directly connected with the discharge of his duties as clerk of the peace. It was, no doubt, very objectionable that this should be the case; but, on the other hand, it was very difficult to confer upon the justices a discretionary power of removal. He would, however, consult with the Secretary of State for the Home Department, and see if any alteration in the law could be suggested.

LORD CRANWORTH said, he thought that if clerks of the peace were convicted of felony, or other offences, there could be no difficulty in saying that then they should be removable as of course. It had been suggested, and the point might be worth considering, that, as the Judges were removable by the Crown, upon an Address voted by both Houses, so something in the nature of an address from the Court of Quarter Sessions to the Lord Chancellor should give him jurisdiction.

House adjourned at a quarter before Six o'clock, till to-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 18, 1864.

MINUTES.] — NEW MEMBER SWORN — Henry Moor, esquire, *for* Brighton.

SELECT COMMITTEE — Controverted Elections—Chairmen's Panel ; Controverted Elections — General Committee of Elections, George Ward Hunt, esquire, *v.* Henry Ker Seymer, esquire.*

PUBLIC BILLS—*First Reading*—Penal Servitude Acts Amendment [Bill 23] ; Weights and Measures (Metric System)* [Bill 24].

Second Reading—Vestry Cess Abolition (Ireland) [Bill 15].

CONTROVERTED ELECTIONS—CHAIRMEN'S PANEL.

Sir WILLIAM MILES *reported* from the General Committee of Elections ; That they had selected the following Members to be the Chairmen's Panel, and to serve as Chairmen of Election Committees during the present Session :—HUGH EDWARD ADAIR, JAMES WENTWORTH BULLER, EDWARD C. EGERTON (Macclesfield), Viscount ENFIELD, GEORGE WARD HUNT, ROBERT LONGFIELD.

Report to lie upon the table.

GREAT EASTERN NORTHERN JUNCTION RAILWAY BILL (*by Order*).

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

COLONEL PACKE said, he should move that the Bill be read a second time that day six months. He objected to it on two grounds. The first was that the company was started in direct opposition to an existing railway company—the Great Northern Company, which was fully equal to satisfy all the requirements of the district. The second ground of objection was, that a great part of its capital was supplied by a banking company, called the General Credit and Finance Company. The last was a point of great importance, because it proposed to introduce a mode of proceeding novel in its character, and one which he thought the House would scarcely be prepared to sanction.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Colonel Packe.*)

Question proposed, "That the word 'now' stand part of the Question."

CAPTAIN JERVIS urged that the Bill ought to be sent before a Committee, in order that its merits might be considered. The General Credit Finance Company had nothing to do with finding the capital. They merely acted as brokers, and the whole of the money would have to be subscribed by the public.

MR. E. C. EGERTON said, that as one of the directors of the Great Northern Railway Company, he was induced to take the unusual course of asking the House to reject the Bill, not on the ground of competition, but in consequence of the novel principle introduced for the first time, that of raising the capital by the means of a large banking firm, and a body which had nothing to do with the country through which the line was intended to pass.

MR. ALDERMAN SALOMONS said, that as one who was connected with the General Credit Company, he was in a position to state that their conduct with respect to the proposed railway was above all animadversion. All that they did was to guarantee a certain amount of capital, leaving the shares open to the public, to whose notice they simply wished to introduce the railway, believing the scheme to be one deserving of attention.

LORD JOHN MANNERS said, he was unconnected with either of the companies. He opposed the Bill as unnecessary, and as likely to lead to unnecessary competition from the fact, that the two lines would run within half-a-dozen miles of each other for a considerable distance; besides which the new line would be sixteen miles longer than the present. It was unnecessary to authorize the outlay of a million of money for the doubtful possibility of bringing coals to London cheaper by the proposed line. He looked with apprehension on the management of such a line being given to the Great Eastern Company, who had not managed their present line with any marked success, while the Great Nothern had served the public with exemplary fidelity.

LORD STANLEY said, that he had nothing to do with either party, or the district through which the line would pass. The House would take an extraordinary course if they decided upon the Bill without knowing its merits. The expediency of authorizing a competing line or not, was a point which would more properly be determined by a Committee upstairs than by the House itself. As to the objection that half the money for the proposed line was to be found by a banking company, he must confess that he did not think it very material. The requirements of the district, and the accommodation to the public, was what they had to consider.

MR. MASSEY said, he thought the argument in opposition to the Bill, founded on the question of competition, was one to which the House ought not to attach much weight. It was too late in the day for Parliament to reject a Bill on the second reading, with a view of maintaining any company in the undisturbed possession of a district. The promoters of the Bill had, he might add, complied with the Standing Orders, and that House was not exactly in a position to inquire further into their financial affairs. If it should appear to a Committee that they had obtained money to construct their line by improper means, that might be made a ground for the rejection of the Bill.

SIR JOHN SHELLEY said, he could not help thinking that it was not the duty of the hon. Gentleman who had just spoken, occupying as he did the position of Chairman of Ways and Means, to pronounce, as he constantly did, an opinion upon the merits of private Bills, but rather to inform hon. Members on points relating to the Orders of the House.

COLONEL WILSON PATTEN said, he must protest against the attack which the hon. Baronet had made on his hon. Friend. He, for one, felt deeply indebted to his hon. Friend the Chairman of Ways and Means, for the valuable assistance which he received from him in dealing with private Bills, bringing to bear on their discussion, as he did, an independent opinion. In that view he believed hon. Members generally concurred.

COLONEL PACKE said, that in deference to the opinion of the hon. Chairman of Ways and Means, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed.*

ARMY RECEIPT AND EXPENDITURE.

QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask the Under Secretary of State for War, if the Accounts of the Army Receipt and Expenditure for the year ending March 31, 1863, will be presented previous to the discussions on the Army Estimates for the current year?

THE MARQUESS OF HARTINGTOH replied that the Returns were ready, and the explanatory statement had, he believed, been already laid upon the table. He hoped the whole of the accounts would be in the hands of Members in a day or two.

THE HIGHWAY ACT.

QUESTION.

MR. R. LONG said, he would beg to ask the Secretary of State for the Home Department, if he intends to introduce a Bill for amending the Highway Act this Session; and, if so, how soon it will be laid upon the table of the House?

SIR GEORGE GREY said, that several Amendments had been brought under the consideration of the Government. It was impossible, however, to bring in a Bill until all the representations had been duly considered. There was no intention to change the nature of the existing Act; the Bill, when introduced, would simply affect certain details.

MR. ROGERS said, he would also beg to ask, if after a county had been divided into Highway Districts, under the Act of 1862, facilities will be afforded to rural parishes where the population, according to the last Census, was more than three thousand, and such parishes desire to withdraw from such districts, by adopting the Local Government Act of 1858?

SIR GEORGE GREY said, that his own opinion was that it was undesirable that rural parishes, when once they had been included in Highway Districts formed by order of the Court of Quarter Sessions, should withdraw themselves by the adoption of a local Act. It was not intended to give them any facilities for doing so beyond those which they now possessed by law.

GERMANY—AUSTRIA AND THE ZOLLVEREIN.—QUESTION.

MR. SOMERSET BEAUMONT said, he wished to ask the Vice President of the Board of Trade, for the production of the project of a Tariff between Austria and the Zollverein, which was officially published at Vienna in November, 1863.

MR. HUTT said, he could inform the hon. Member that a copy of the Tariff had not yet been received. As soon as it was, it would be laid on the table.

UNITED STATES—ENGLISH SHIPS AND AMERICAN CRUISERS.—QUESTION.

MR. H. BAILLIE said, he rose to ask Mr. Attorney General, Whether he is of opinion, that when an English Merchant Vessel is captured by an American Ship of War in the harbour of a neutral State, it is the duty of the Government to wait for the action and decision of a Prize Court before reparation and satisfaction are demanded from the American Government; and, if so, whether the Government would also have to wait for the action of a Prize Court if an English Vessel should be taken out as a prize from an English harbour; and whether the capture of the British Vessel, the *Science*, by an American Ship of War in the Mexican harbour of Matamoras was not a violation of International Law, and a direct act of hostility against England?

THE ATTORNEY GENERAL said, in reply, that the question of the hon. Gentleman related, in the first branch, to a principle, and, in the second, to an assumed fact. With regard to the principle, there could be no difficulty whatever. He was not of opinion, nor did he think any one was, that if an English merchant vessel was admittedly captured by an American ship of war in the harbour of a neutral State, it would be the duty of the Government to wait for the decision of a Prize Court before demanding satisfaction; of that principle there can be no question. If the fact of the vessel being in a neutral port when captured was not in controversy, there was no question that the Government would not wait for the action of a Prize Court, or hold themselves bound by any decision at which it might arrive. Therefore, the other branch of the question falls to the ground. *A fortiori*, they would not recognize a capture in an English harbour. The question about the ship *Science* assumed a controverted matter of fact. It was not, he believed, admitted by the American Government, or rather, he should say, by the captors—because no reply had yet been received from the American Government to the representations made to them—it was not admitted by the captors that the ship *Science* was taken in Mexican waters. He believed that there could hardly be said to be a harbour of Matamoras, and certainly if there was this ship was not in it. She was lying in the river; and while the officers of the ship asserted that she was in Mexican waters, that assertion was as distinctly denied by the captors. Under those circumstances, all that Her Majesty's Government could possibly do was to represent the facts, as stated to them, to the American Government, and, as they must in all cases, hear what that Government had to say. For the satisfaction of hon. Gentlemen, however, he was happy to be able to state, that, although there were in the instructions given by the American Government to their cruisers at Matamoras some passages expressed in language to which just exception might be taken, whatever they were intended to mean, nothing could be more distinct than were those instructions upon this point, that no neutral ships were to be taken in Mexican waters, and that if taken they were to be immediately restored. More than that, the instructions went on to say, that if under certain circumstances, as by the force of the tide or the necessity of passing a particular bar, vessels were driven beyond the Mexican line, they were still to be treated as within the protection of the neutral character of the Mexican territory. If, therefore, the cruisers of the United States had in any instance taken our vessels within Mexican waters, it had been done in direct contravention of the most clear and positive instructions given to them by their Government; and we could not doubt that, under such circumstances, that Government would immediately order their restitution.

REV. DR. PAYNE — CLAIM ON THE GREEK GOVERNMENT.—QUESTION.

Mr. O'NEILL said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have taken any steps to obtain compensation for losses sustained by the Rev. Dr. Payne, in consequence of an assault made upon him by a Greek soldier, in April, 1862; and, if not, whether it is intended to take any steps for this purpose?

Mr. LAYARD, in reply, said, the Rev. Dr. Payne was assaulted by a Greek soldier, and robbed of property to an inconsiderable amount — he believed about £8. Representations having been made, an inquiry was held, which resulted in the soldier being condemned to one year's imprisonment. The Rev. Dr. Payne had notice of that fact in the month of June of last year, but it was only lately that he made any communication with the Foreign Office, and the Government were under the impression that he was satisfied with the punishment that had been awarded the Greek soldier. He (Mr. Layard) thought that punishment was sufficient, and he did not think it would be advisable to ask for any pecuniary compensation.

QUEEN'S COLLEGE, CORK.

QUESTION.

Lord NAAS said, he wished to ask the Chief Secretary for Ireland a question with regard to the extraordinary Correspondence published in the newspapers as having taken place between Sir Robert Kane. Dr. Bullen, and the Irish Government, Had the annual Report of the President of the Queen's College, Cork, for the past year, yet been presented to Her Majesty, or laid upon the table of the House; whether that Report contains the whole of the Correspondence which has taken place between these gentlemen and the Irish Government; and, if it does not, whether he will lay the entire Correspondence on the table of the House?

Sir ROBERT PEEL, in reply, said, the Report of the President of the Queen's College, Cork, had been presented yesterday, and was laid upon the table of the House. Some other Correspondence had taken place, not between Sir Robert Kane and the Irish Government, but between the Inspector General of Constabulary and Dr. Cullen—he meant to say Dr. Bullen; and there would be no objection to produce it if the noble Lord wished.

Lord NAAS: Am I to understand that that Correspondence was published in the newspapers before it was presented to Her Majesty?

Sir ROBERT PEEL: The Correspondence was not published by the authority of the Irish Government. It did, I am sorry to say, appear in the newspapers before the Report was laid on the table of this House.

Mr. HENNESSY said, he wished to ask, Whether the right hon. Gentleman will produce two Estimates framed by the Government; one for £7,000, which the people of Cork were called upon to pay for the rebuilding of the College, and the other a detailed Estimate for £4,000, which that House was asked to vote for the same purpose?

Sir ROBERT PEEL said, that if the hon. Gentleman would repeat his question on another day he would consider the matter.

BRAZIL.—QUESTION.

Mr. HUNT said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Portuguese Government has tendered its good offices to bring about a renewal of diplomatic relations between this country and Brazil; and whether Her Majesty's Government has accepted those good offices; and whether any Papers upon the subject will be laid upon the table?

Mr. LAYARD said, in reply, that the offer of mediation, which was made by the Portuguese Government to that of Her Majesty last year, was accepted by his noble Friend at the head of the Foreign Office. He could not inform his hon. Friend whether it had been accepted by Brazil;

the Government were still waiting to hear what course that Power would pursue. At present, there was no correspondence on the subject which could be laid upon the table of the House.

MR. HUNT said, he wished to know, Whether the hon. Gentleman had seen the address of the Emperor of Brazil to his Chambers, in which he stated that he could not accept the good offices of the Portuguese Government, because he was not aware whether or not the British Government would accept them ?

MR. LAYARD said, he had seen the statement, and certainly with very great surprise. All he could say was, that he was assured by the Portuguese Minister that the acceptance of Her Majesty had been sent to Brazil. He really could not account for the statement made in the Emperor's speech.

GOVERNMENT ANNUITIES BILL.

QUESTION.

MR. H. B. SHERIDAN said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is his intention to proceed with the Government Annuities Bill tomorrow ; and whether, considering that the title of the Bill does not convey the real objects of the Bill, and that it has passed through two stages without being fully understood ; and further, considering the great interests affected by the proposed alteration of the law, the right hon. Gentleman would have any objection to postpone, for a short time, the consideration of the measure ?

SIR GEORGE GREY said, in the absence of his right hon. Colleague, he must ask the hon. Gentleman to repeat his Question.

DEBATE ON KAGOSIMA—ADMIRAL LAMBERT.—EXPLANATION.

MR. BUXTON said, he desired to take that opportunity of stating, that having found that Admiral Lambert, on whose conduct he remarked on a late occasion, was second in command, and acting under the orders of a superior, he regretted having expressed himself as he had done with respect to that gallant officer.

DEBATE ON KAGOSIMA— "THE ILLUSTRATED LONDON NEWS."

EXPLANATION.

MR. LAYARD said, he might also take that opportunity of making an explanation with regard to a statement of his the other evening. He regretted to say that he had done an injustice to a meritorious newspaper, the *Illustrated London News*, in assuming that their Art correspondent was not in Japan on the occasion of the attack upon the batteries at Kagosima. The editor of the paper had informed him that their correspondent really was in Japan at the time.

VESTRY CESS ABOLITION (IRELAND) BILL—[BILL 15.]—SECOND READING.

Order for Second Reading read.

SIR ROBERT PEEL said, with the permission of the House he would briefly state the object of the measure. It was to abolish the power to make assessments heretofore exercised by the parish vestries, and to substitute other powers for those formerly existing. The question at that time particularly affected the city of Dublin. Vestries, as the House knew, were a very ancient ecclesiastical organization, and were once armed with very considerable powers, which in Ireland appeared to have to a great extent ceased. Before the passing of the Church Temporalities Act, the churchwardens were called on to collect the grand jury cess and ministers' money; they were charged with the building and repair of churches, and the providing of other necessaries for Divine service ; and also in right of their office they were overseers of public-houses. But these responsible duties having all to a great extent been removed, there was little for the vestries to do at that day, beyond raising sums for two or three specific purposes, which they did at considerable cost to the ratepayers, in some cases attaining to a scale of 15 per cent. From being always held in the church, vestries might have afforded useful opportunities for charitable co-operation on the part of those who attended them. But unfortunately, far from that, angry discussions were of frequent occurrence, and struggles had been known to take place between the promoters of assessments and their opponents. The blame of all these unhappy results was laid upon the Church, though the Church had no real interest in the assessments, the collection of its revenues and care of its edifices having been transferred to a different agency, and the vestry merely levying parish cess for purely parochial purposes. At this moment, the duties to which the parish assessment was devoted (which before the passing of the above statute were very important), were to provide coffins for the poor, to pay the salaries of certain parish officers, and to defray the expenses of appeals. All other charges were abolished. There were other objects to which, indeed, these funds were applied, for which he believed no statutory authority could be found, such as the repair of the church stocks, the support of the parish fire-engine, and the expenses of juries. The corporation in Dublin held a meeting on the subject, at which a resolution was proposed by a Roman Catholic Member, and agreed to, he believed unanimously, by the whole corporation, appointing a deputation to wait upon the Government, and urge them to put an end to the tax. He had had the honour of receiving the deputation, which consisted both of Roman Catholics and Protestants; and the question having been very fairly and ably discussed, both parties seemed to agree that it would be highly desirable to devise some scheme for abolishing these rates. The question was one principally affecting the city of Dublin, where between £4,000 and £5,000 a year was levied by the vestries, so that it really formed a not unsubstantial item of taxation. Before giving any positive undertaking on the point, he felt it right to consult the clergy of the Established Church, and from Limerick, Cork, and Waterford, he learnt that no vestry cess had been levied for years, and that there were no salaries paid to parochial officers as such. From Belfast he had not received any reply, but he presumed that it was circumstanced in the same way as the other towns. It might be said, that if a vestry cess were done away with, the parish engines could not be kept up; but he found upon inquiry that these were for the most part worse than useless, and impeded rather than assisted the extinction of fires. In the words of a gentleman well acquainted with the facts, "the engine keepers showed praiseworthy zeal in keeping out of the way." The Bill applied to the whole of Ireland, and provided that in future no more vestry assessments should be levied. As he had said, the three particular items to which it was at present properly applied were the maintenance of deserted children, coffins for the poor, and superannuation allowances to officers once employed by the different parishes. The House would be aware that in 1862 he had succeeded in passing an Act for the amendment of the Poor Law in Ireland, which enabled Poor Law Commissioners and Guardians to send out deserted children to be taken care of up to a certain age. He now proposed to take away from the parish officers or the vestry the power of making provision for the maintenance and education of children, and to give it solely to the Poor Law Guardians. The fourth clause referred to the coffins of poor persons. It had been considered in Dublin that it was desirable to have meetings of parish vestries to provide coffins for persons not in the receipt of workhouse relief, but it would be better to leave it to the Poor Law Guardians to provide these coffins. The other clause had reference to the question of superannuation. When he saw the deputation of the corporation of Dublin, he pointed out to them that it might be hard upon old parish officers to be deprived of all sources of income. The corporation of Dublin at present contributed between £4,000 and £5,000 a year to the purposes of the assessment, and the superannuation would be insignificant in comparison with that amount. He therefore hoped that they would give that fair and proper superannuation to which these officers would have been entitled in other services. It was proposed to superannuate these officers on three-fourths of their present salary. He trusted that no hon. Gentleman, whatever his religious convictions, would oppose a Bill which would promote harmony and good-feeling, and do away with the unseemly contention and heartburning which often occurred at the meetings of the parish vestries at Easter.

Moved, "That the Bill be now read the second time."—(*Sir Robert Peel.*)

SIR EDWARD GROGAN said, he would not oppose the second reading, but he thought that the Bill would require very serious consideration in Committee. The clergy of Dublin had met and given their assent to the Bill, and if the proper guardians of the Church saw no injury from it, he should not oppose the measure. It was stated that the sum levied in the name of vestry cess upon the municipality, amounted to about £4,000 a year, and it was proposed to give the officers three-fourths of their salaries, but the Bill enabled the municipal body to take the money out of another fund altogether. It gave them power to increase taxation, and he could not give his assent to that proposal. He might further add, that the contention at the vestry meetings to which the right hon. Gentleman alluded, was caused by persons who were present for the purpose of creating disturbances.

Lord NAAS said, he had no wish to oppose the second reading of the Bill; but he would merely remark that it was not what its title professed, for in reality it was a Poor Law Amendment Bill, and a Bill for the amendment of the grand jury law in Ireland, two very important points, but which ought not to be dealt with under a Vestry Cess Bill. The proposal for the burial of the poor was made in the Poor Law Committee, and was almost unanimously negatived. A modified proposal was, indeed, adopted, that the Poor Law rates should be subject to the charge for burying paupers who died in the union workhouse, and who remained unknown. He had invariably objected to these proposals for charging the rates for objects that did not belong to the relief of the destitute. The relief of poor children was also considered in Committee, and they decided to permit Boards of Guardians to extend to deserted children the same sort of relief as under the grand jury cess, but to leave them the same power and option.

Mr. VANCE said, the Bill was approved by his constituents. The right hon. Baronet had spoken of scenes of disorder which had prevailed in the vestries, which were very discreditable; but if that were admitted as a reason for the abolition of these assemblies, he was afraid there were other places in Dublin where crimination and recrimination existed, which it would also be desirable to suppress. He would not oppose the second reading of the Bill, but there were a few details which would require amendment. The Bill was to abolish vestry cess in Ireland, and give to the officers such compensation as might be assessed by the corporation of Dublin. He did not see why it should not be assessed in the usual way by the Treasury. The only safeguard in Dublin against extravagance was in the provision that the improvement rate could not exceed 2*s.* in the pound. The right hon. Gentleman had made the compensation payable out of that rate. That was the first inroad on it; and he would prefer that the charge had been laid on the borough rate. All the purposes of the vestry cess were fully provided for. The Ecclesiastical Commissioners acted for church purposes; and recent legislation had taken away every pretence for having vestries in the country.

Colonel FRENCH said, he was glad to see that the opposition to the Bill was limited to questions of detail. All the objects for which the cess was levied were provided for by the Ecclesiastical Commissioners, the grand juries, and the Poor Laws, and the sum of £4,000 was raised from the citizens at a very high rate.

Mr. LEFROY said, the abolition of the cess would meet with general approval in Ireland. The statement of his right hon. Friend was most clear and important, as it showed that the cess had nothing to do with the promotion of Church objects. He was sure his right hon. Friend would do all in his power to make the Bill a really useful measure.

Colonel DUNNE said, as the representatives of Dublin approved the measure he would not oppose it; but he thought it unfair that the 4th clause, which applied to the country, should be introduced into a Bill of that kind. The churchwardens in the country raised no cess whatever, and when they assembled there were none of those contentions which prevailed in Dublin. What he complained of was, that under the pretence of abolishing cess, other objects should be introduced. That was legislation under false pretences. They on that (the Opposition) side had lately forced on the Government a measure for the preservation of the lives of young children in the workhouses by having them put out to nurse, and his hon. Friend (Mr. Hennessy) had taken a prominent part in carrying that measure through the House. The only duty which the churchwardens in the country had to discharge was to take care of deserted children, but they gave no permanent relief, and the grand jury at the assizes voted a sum for the support of those children, their support being at the very cheapest rate, or £4 10*s.* each, in his own (the King's) county.

Mr. BAGWELL said, he had the authority of a medical gentleman of high respectability for saying that, under the present system, the mortality amongst foundlings was perfectly frightful. The chances were one hundred to one against foundling children reaching the age of one year. The child was found in the ordinary course, half dead with cold and exposure, and brought to the workhouse, but too late for any good by the time the relieving officer could find a nurse. Under the old system, it was imperative on the authorities to take those children to nurse at once, and many lives were saved in that way. The mortality at present was frightful, and he hoped they would revert to the old system; or, at any rate, take some steps to put an end to a state of things which was disgraceful to the age and their common Christianity.

Mr. HERBERT said, he would request the right hon. Gentleman the Secretary for Ireland to reconsider the 4th clause of the Bill, for he felt convinced, after a long experience of Poor Law management in Ireland, that that clause would, in all probability, give rise to great abuses.

Mr. HENNESSY said, he wished to know whether the limits of age in regard to deserted children, fixed by the Grand Jury Act, would, in future, apply to the Poor Law system. He was of opinion that those limits should be maintained, because it was, unfortunately, true that even now the deserted children died in a manner which was a disgrace to those who had the control of that portion of the Poor Law applying to the case. With regard to the 4th clause, he conceived that to contain a very useful provision.

Motion *agreed to.*

Bill read 2°; and *committed* for *Thursday* next.

PENAL SERVITUDE ACTS AMENDMENT BILL.—[Bill 23.]

LEAVE. FIRST READING.

Sir GEORGE GREY: The Bill which I am now about to ask leave to introduce is founded on certain recommendations of the Commissioners who were appointed a little more than a year ago to inquire into the operation of the Acts under which sentences of penal servitude may be passed, and into the mode in which those sentences have been carried into effect. The Commissioners' Report is dated the 20th of June, but that Report, with the evidence and appendices, which are long, was not in the hands of hon. Members until just before the close of last Session. It was, therefore, impossible to bring the subject in a satisfactory manner under the consideration of the House during the remainder of that Session, but I determined to take the earliest opportunity of doing so in the present Session. The Commissioners, towards the close of their Report, after adverting to the difficulty of the subject, with which they have had to deal, assure Her Majesty that they have devoted the most careful study and anxious attention to the important inquiry with which they were intrusted. I feel that they were perfectly justified in giving that assurance, and that the country is indebted to them for the time and for the anxious care and attention which they bestowed upon the investigation. The position, experience, and judgment of the gentlemen comprising the commission entitle their recommendations to the greatest possible respect, and the Government have weighed their recommendations and considered their opinions with that attention which is due to them.

Before I advert to the recommendations of the Commissioners, and to the Bill which I propose to bring in founded on certain of those recommendations, there are two or three points of a general character adverted to in the report to which I wish to refer. One satisfactory fact is established by the Report—namely, that, notwithstanding the actual increase of crime which took place in the two years preceding the appointment of the Commission in England and Ireland, but which did not extend to Scotland in any appreciable degree, and the prevalence of a certain class of crime—robbery with violence—in the metropolis towards the close of 1862, which gave rise to great and not altogether unfounded alarm, there has been during the last twenty years a considerable decrease of crime, although during the latter portion of that period transportation was almost discontinued, and as it respects England a vast increase in the population has taken place. The Commissioners on this subject justly observe that—

> "No safe conclusion as to the causes of crime can be drawn from a sudden increase of certain offences in one or two years, and so far as such increase can be attributed to the present system of punishment, they express an opinion that the want of sufficient efficacy in that system does not seem to arise from any error in its principles, or from its general arrangements being injudicious, but mainly from the shortness of the punishment generally inflicted on convicts, and in a minor degree to defects in the discipline to which they are subject."

With respect to the increase of crime, so far as concerns the metropolis, it will be satisfactory to the House to learn the result of a comparison of the last six months of 1862, with the last six months of 1863, in reference to robberies with violence. In the last six months of 1862 there were eighty-two cases of that nature, while in the last six months of 1863 there were only twenty-six cases. Taking the last three months of each of those years, the result is that in 1862 there were fifty-eight cases, whilst in 1863 there were only eleven. [Mr. Adderley: Hear, hear!] The right hon. Gentleman the Member for North Staffordshire cheers that statement, probably attributing the decrease to the

Bill he introduced on the subject. I recommend the right hon. Gentleman to move for a Return of the number of cases in which corporal punishment has been inflicted under that Act, and the House will then be in a better position than at present to estimate the effect of that measure in diminishing the crimes to which it was intended to apply. My own belief is, that the crimes which caused so much alarm, were committed by a comparatively small gang of persons, who, through the vigilance and activity of the police, were almost all apprehended and brought to justice, and who are now undergoing the penalty of their misdeeds.

There is another part of the Report to which I would refer. Before the inquiry by the Commission an erroneous impression existed, as to the character of the punishment to which convicts were subjected in this country. A great deal was said, with a very imperfect knowledge of the real facts of the case, about the punishment, after the period of separate confinement was over, and the prisoner was sent to public works, being very light, and accompanied by such good clothing, food, and moderate exercise, that persons were even tempted to commit crimes in order to enjoy the luxuries of a prison life. The Commissioners, an impartial body, who had facts and figures before them, gave special attention to this question, and I beg leave to bring under the notice of the House the following passage in their Report:—

"A very general impression appears to prevail that the system pursued in these prisons is not of a sufficiently penal character. It has been said that but little work is done by the convicts, that their diet is excessive, that they receive unnecessary indulgences, that their material condition is in many respects better than that of free labourers, and that consequently the punishment cannot be severely felt. We consider that upon the whole this impression is erroneous. The life of the prisoners is extremely monotonous. Having been used in most cases to constant change and excitement, they are debarred from all pleasures and amusements, they are compelled to pass their time in a dull, unvarying routine of distasteful labour, and at the close of each day's work they return to the cheerless solitude of their cells. The work which they get through is no doubt less than what a regard for their own interest induces free workmen to perform, but the labour is by no means light, as we shall show more fully presently; and, considering the previous habits and character of the convicts, and that they are working under compulsion, there can be no doubt that it is much disliked by them."

Further on the Commissioners said—

"We doubt whether any great augmentation of severity in the treatment of convicts during their punishment is practicable, especially when we consider that the imprisonment lasts in many cases for several years. The prolongation of sentences must, we think, be chiefly trusted to for increasing the fears entertained of penal servitude by the criminal classes."

Now, the Commissioners were at great pains to investigate this part of the subject. They did not trust merely to the statements of convict directors, or of the officials charged with the administration of the system. They employed Mr. Evans, a gentleman who was not connected with any Department of Government, but who had had great experience in regard to public works executed by contractors and the class of labourers engaged on them, to examine the convict establishments at Chatham and Portsmouth. After having considered Mr. Evans's evidence, the Commissioners reported as follows:—

"His evidence shows that, making due allowance for the want on the part of many of them of any previous practice in similar labour, the work obtained from the convicts confined in these prisons is as much as could be reasonably expected. He stated to us that, in his opinion, two convicts employed in quarrying at Portland, or in making excavations at Chatham, did the work of one free labourer, and this difference, great as it is, does not appear to be more than is accounted for by the previous training of the latter, and the different circumstances under which he works."

The greater part of the convicts sent to the works are, it should be remembered, men wholly unused to that or any other kind of hard labour, and it is out of the question to expect that such men, without training and practice, without the stimulus afforded by the prospect of remunerative wages, can get through as much work as a body of labourers specially selected for the purpose and accustomed to labour of this description. The Report continued—

"Mr. Evans also informed us that he considered a fair valuation was put on the work done in the accounts contained in the reports of the directors of convict prisons. A paper in the appendix, taken from these reports, will show that, according to this valuation, the public has received a very considerable return in the work done by convicts, for the expense which they have occasioned. Upon the whole, the result of the inquiry may be considered satisfactory; more especially as we believe the industry of the prisoners to afford a sure indication that the discipline maintained among them is efficient, and that the establishments are generally in good order. This conclusion is confirmed by the evidence we have obtained, and we think that the directors of convict prisons, by whom the present system of associated labour has been organized, and also the officers under whose immediate superintendence it has been carried on, are entitled to great credit for their successful exertions in the discharge of their arduous duties."

That passage contains the deliberate opinion of the Commissioners after a most full and impartial investigation of the subject. I feel that this reference to it is due to the officers who have been charged with the immediate superintendence of the convict prisons, and especially to the memory of one whose services were last year lost to the country through his sudden death, just before the Report was made, the late Sir Joshua Jebb, and of whom I can say from personal knowledge and constant intercourse during many years, that, whatever difference of opinion might exist as to some of his theories, no one could have devoted all his energies more entirely to the public service. To Sir Joshua Jebb's exertions, aided by able and efficient colleagues, were mainly due those improvements, not only in the structure and arrangements of the penal servitude prisons, but in the general convict system, which have been effected of late years.

I now come to the recommendations of the Commission. These may be divided into two classes:—First, those relating to matters of mere administrative detail, which are of importance, but which involve no alteration of the law and are capable of being carried out by the Government without the interference of Parliament; secondly, those to which effect can be given only by an alteration of the law. In regard to the former class, as soon as I had received and considered the Report, I addressed a letter, on the 15th of July, to the Directors of Prisons, calling their attention to the different recommendations of the Commissioners, in order that no time might be lost in adopting as many of them as it was possible and expedient to adopt, without application to Parliament. The correspondence on the table will show the points to which I called the attention of the convict directors, and it not only states their opinions, but shows what has been done—what changes have been made, and what are now in progress. Some of the recommendations were found to be capable of immediate adoption, and were at once carried out. Others involved alterations in the structure of the prisons, and a considerable outlay of money, which necessarily involves some delay. Steps, however, are now being taken to give effect to most of the suggestions in this class at the earliest possible period. The recommendations in question included the dietary and classification of the prisoners, the gratuities to warders, and to convicts, the increase in the staff, which has been sanctioned, the construction of cells for separate confinement, in order to obviate the necessity of transferring convicts to Millbank, which was said to be a temptation to men to commit offences in order that the monotony of their life might be diversified by removal to another gaol; the question of a remission of a portion of sentences, the mode of recording the industry of convicts, the identification of licence holders, with a view to their apprehension in the event of their committing fresh offences, and some other matters of minor consequence. The recommendation that a fourth director should be added to the Prison Board has been carried out, by the appointment of an engineer officer of great experience in public works, who will now be charged, as one of the directors, with the supervision of the prisons in which such works are carried on.

We now come to the next class of recommendations requiring a change in the law. The first of these, which will be found in the enumeration at the close of the Report, is, "that sentences of penal servitude should not in future be passed for a shorter term than seven years." The Act of 1857, founded on the Report of a Committee, authorized sentences of no less than three years, but these short sentences, in the opinion of the Commissioners, and also of those most conversant with the subject, have altogether failed in their effect, and have been found to have an injurious tendency. It was, I believe, the intention of the Committee, as it was of the Government and of the Legislature, that such sentences should not be passed in any great number, but should be applied only to certain crimes which might not require so severe punishment as seven years' penal servitude, and yet might not be adequately dealt with by a mere sentence of imprisonment. The fact is, however, that the Judges have availed themselves of the power granted by the Act of 1857, as if it had been intended that the term of punishment should be materially diminished, and sentences of three or four years have largely superseded sentences of seven years for crimes which were not too severely punished before. I find in the appendix to the Report of the Commissioners, that since the Act of 1857 was passed—up to the end of 1862—there have been passed in England 13,331 sentences of penal servitude. Of these, 3,824 were for three years, and 4,402 for four years, making a total of 8,226, or nearly two-thirds of the whole number of sentences of penal servitude. In Scotland, during the same period, 1,292 sentences of penal servitude were passed. Of these, 148 were for three years, and 529 for four years, or together more than one-half of the whole, not so large a proportion as in England, but still very considerable. In Ireland there were 2,157 sentences of penal servitude. Of these, 711 were for three years, and 751 for four years, making a total of 1,462, or more than two-thirds of the whole. Her Majesty's Government concur with the Commissioners in thinking that these short sentences ought not to be continued, because

> "Experience shows that the discipline to which convicts are subject does not produce its proper effect in short periods; and for this reason, as well as on account of the dangerous encouragement given to their associates by their return to their former abodes after going through short periods of punishment, it is desirable that the minimum term of penal servitude should be increased."

That opinion is in accordance with that of the directors of convict prisons, both in England and in Ireland, and with the experience of every person conversant with the effect of short sentences upon convicts. Nor can there be any doubt that a long term of imprisonment in a county or borough gaol is a severer punishment than a very short term of penal servitude, in which there is not the same monotony, as it admits of various stages of punishment. For the more heinous crimes I think the Commissioners are right in recommending that short sentences of penal servitude should be abolished, and that longer sentences should be substituted. But that recommendation of the Commissioners is intimately connected with another.

The fourth recommendation, in the summary before referred to, is to the effect

> "That all male convicts who are not disqualified for removal to a colony should be sent to Western Australia during the latter part of their punishment."

That is a recommendation which is entitled, in the circumstances under which it was given, to the greatest weight. Although the Government have not felt themselves able to act upon it, I am bound to say that I think the Commissioners were fully justified in making it upon the evidence before them. As I understand, with the exception of the hon. Member for Pontefract (Mr. Childers) it is a recommendation in which the Commissioners, though differing upon other points, were unanimous. I find that the right hon. Member for Oxfordshire (Mr. Henley) in his reasons for not signing the Report of the Commissioners, expresses an opinion favourable to the removal from this country to Western Australia of "as many of the male convicts as may be fit, and as the colony may be able and willing to receive." So, also, the Lord Chief Justice Cockburn, though differing in principle from the rest of the Commissioners, says, in an able and elaborate paper which is entitled to great consideration, that

> "Happily the urgent demand for labour in Western Australia renders that colony willing to take from us a very large proportion of our convicts for employment on public works in that country;" and that "there can be no doubt of the wisdom of profiting by this opportunity of relieving ourselves from the embarrassment occasioned by the accumulation of convicts in this country." "Not only," he adds, "will the mother country be benefited, but a new field is hereby opened to the convict, if disposed to profit by the lesson he has received and to enter on a new life."

I agree with every word of that passage, and I must say that the Commissioners, with the evidence before them, had every reason to suppose not only that the inhabitants of Western Australia were willing, and even anxious, to receive a larger number of convicts than has recently been sent there, but that the means of employment in that colony for convicts were considerable. To what extent those means may exist is, perhaps, open to discussion; but I believe that the evidence before the Commissioners jutsified them in thinking that a larger number of convicts might be absorbed in Western Australia than have recently been sent to that colony. I am bound also to say, that I do not think they could have anticipated the extreme apprehension and alarm which has since been expressed by numbers of the colonists in the eastern settlements of the vast continent of Australia in consequence of their recommendation. But the fact is, that their recommendation did excite the greatest alarm and apprehension—unfounded, as I believe, to a great extent—as to the effects which might be produced if that recommendation were carried out. On the other hand, I must say that there has been an exaggerated view taken in this country of the benefit likely to accrue from the adoption of that recommendation. I have carefully calculated what would be the probable result if the recommendation of the Commissioners were carried out. The average number of convicts annually sentenced in the United Kingdom to penal servitude during the five years ending 1862, is rather more than 2,900. From this number may be deducted at least 1,400 for women, juveniles, the class sent to invalid prisons as unfit for hard labour, and others for various causes unfit for removal to a colony. This leaves a residue of about 1,500, who, if their sentences had not been for short terms, and if employment could have been found for them in the colony, might have been annually sent to Western Australia. But if the minimum term of penal servitude should be raised from three to seven years, the number of convicts sentenced to penal servitude would probably be reduced. On the whole, it may be assumed that the recommendation of the Commission would ultimately apply to 1,300 or 1,400 convicts annually; but several years must elapse before this number would be reached, as time must be given for the operation of the longer sentences to be hereafter passed. A considerable portion of the sentences must be undergone in this country—first, in separate imprisonment, and then on public works, so that any advantage to be derived from the proposed change could only be gained after sentences of no less than seven years have been generally passed, and after a portion of them has been undergone here. The consequence is, that a considerable time must elapse before the system could come into practical operation, and I believe the result, as far as this country is concerned, would be less beneficial than many persons have anticipated. But, as I have said, the recommendation of the Commissioners excited great alarm and apprehension in the Eastern Australian colonies. Representations were addressed to the Government, and memorials were presented to Her Majesty from persons in this country interested in the eastern settlements, and from the colonists themselves, speaking in the strongest terms of the evils which they apprehended would arise from this influx of convicts into Western Australia, and from the facilities afforded for the passage of those convicts from Western Australia to the eastern colonies. The papers laid on the table will show the nature of those representations, and every one who has had an opportunity of reading them must be aware of the strength of the feeling which exists on the subject. The Government, taking the whole matter into consideration, while they distinctly deny the right, and have thought it to be their duty to protest against any supposed admission of the right of the inhabitants of these settled eastern colonies to dictate to Her Majesty, on the one hand, and to the inhabitants of another colony thousands of miles removed from themselves on the other, as to what shall be done in any other portion of the territories of the Crown with the free consent of its inhabitants, have still thought it undesirable, for the sake of the advantage—a remote one, as I have pointed out, and probably not so great as has been supposed—which might be derived from the removal from this country to Western Australia of a larger number of convicts than has recently been sent there, to place our interests, or our supposed interests, in antagonism to the interests, or the supposed interests, of these large and flourishing colonies: they have wished that there should be no contest between these colonies and this country, founded on a mistaken impression that we are actuated by selfish and interested motives, without a due regard to their interests; and we have come to the conclusion that it will be better, while distinctly asserting the right of the Crown to deal as it has been proposed to deal with Western Australia, with the free consent of its inhabitants, not to enter into a controversy with the eastern colonists, or to lead them to suppose that we are regardless of their interests—in which, indeed, we are as much concerned as they themselves—but rather to abandon a design which, though calculated, as the Commissioners say, and as I believe, to relieve us to some extent from an embarrassment, is yet undoubtedly distasteful to them, and which has excited among them feelings of alarm and apprehension. We do not propose, therefore, to adopt the recommendation of the Commissioners, but we shall continue to send to Western Australia the same number of convicts which has been sent there during the last few years, or rather less than 600 a year. It would, in fact, be most unjust to Western Australia—it would be turning a deaf ear to the strong remonstrances and earnest representations of the inhabitants of that colony if we were to discontinue the present practice. We, therefore, propose to send there not the full number of convicts recommended to be sent by the Commissioners, but the limited number which has been annually sent there of late years, selecting those whose sentences are the longest, and who will, therefore, for the greatest portion of their terms, be under the supervision and the code of law applicable to such persons.

But there is another alteration which has been made with regard to Western Australia, calculated in great measure to remove the apprehensions entertained by the other colonies. That alteration relates to the grant of conditional pardon. This grant was formerly obtained sometimes at so early a period of the sentence that the convict was soon removed from all restraint, and might, if he wished it, and had the money for the purpose, return to Europe, or go to any part of the world except to this country. There was thus an inducement given to convicts to go to other colonies where attractions existed for them, although those other colonies might be distant, and the means of intercourse with them might not be easy. That point was considered by the Commission, and, in accordance with their recommendation, the former system of conditional pardons will be abolished; and convicts sent out to Western Australia, and there obtaining a ticket-of-leave, if disposed to live honestly and conduct themselves well, may remain in that colony free from all undue interference, but at the same time they will be prohibited from going away from that colony to any other during the term of their sentence. I have said that the recommendation of the commission is that the minimum sentence of penal servitude for the future should be seven years. If we had been able to act on the recommendation that all male convicts fit for labour should be sent to a colony, it would have been right to adopt this term, as it would be injurious to the interests of the colony and prejudicial also to the convicts themselves, that they should be, at a very early period, released from all restraint and exposed to all the temptations which would surround them. But the case is different if they are to be retained at home; and, on the whole, the Government have come to the conclusion that, under the actual circumstances, it is expedient that five years should be the minimum term of penal servitude; that sentences of three and four years—the most numerous which are now passed—should be abolished, the minimum of five years being an intermediate sentence between the original minimum term of seven years' penal servitude and two years, which is practically the maximum term of imprisonment. We believe that this will allow time for the successive stages of punishment applicable to penal servitude as distinguished from imprisonment in a county or borough gaol. We, therefore, propose by the Bill to fix five years as the minimum term for sentences of penal servitude.

The next recommendation of the Commissioners is this—

> "That convicts sentenced to penal servitude should be subjected, in the first place, to nine months' separate imprisonment, and then to labour on public works for the remainder of the term for which they are sentenced, but with the power of earning, by industry and good conduct, an abridgment of this part of their punishment."

This is a most important point, and one on which a difference of opinion existed between the greater part of the Commissioners and the Lord Chief Justice. Now, I entirely agree with the principle which the Lord Chief Justice lays down—namely, that the subsidiary purpose of penal discipline, the reformation of the criminal—ought to be kept in due subordination to its primary and principal purpose, the repression of and deterring from crime; and also that the punishment should be made as rigorous as is compatible with a due regard to humanity, and consistent with the health of body and mind of those subjected to it. But the question we have to consider is, whether that principle would necessarily be invaded or impaired by the adoption of the recommendation of the Commissioners, that we should continue to hold out to the convict the prospect of the remission of a portion of his sentence as a stimulus to good conduct and a reward for his industry. Let me advert for a moment to the opinion expressed on this subject by the Commissioners. In the 38th paragraph of their Report they say—

> "We have remarked that the length of sentences that ought to be passed upon convicts much depends upon whether the power of earning a remission of part of their punishment by industry is to be granted to them. We have no hesitation in expressing our opinion that it ought. An aversion to regular labour is one of the chief sources of crime; it is, therefore, of the utmost importance that the system of punishment to which convicts are subjected should be one calculated to teach them habits of steady labour, and to associate industry in their minds with the advantages to be obtained by it. But the experience, both of this and of other countries, has demonstrated that it is impossible to compel convicts to work hard by mere coercion, the attempt to do so having invariably failed, while it has produced a brutalizing effect on their minds, and increased their previous aversion to labour."

In a subsequent part of the same paragraph they add—

> "That principle of remission has been adopted to a greater or less extent in all the various schemes of penal discipline which have been tried in the last twenty-five years. The result has been to establish the conclusion that the hope of earning some remission of their punishment is the most powerful incentive to good conduct and industry which can be brought to act upon the minds of prisoners. Such is the opinion unanimously expressed by all who have had the opportunity of observing its effect, while employed in the management of convicts, whether at home or in the colonies."

I do not want to trouble the House by multiplying extracts from a document in the hands of hon. Members. I hope that all those who desire to form a sound and correct opinion on this important subject will read the Report for themselves. But I must say that I think that the Commissioners are fully borne out in their conclusions on this matter by the evidence of persons whose opinions as to this principle of remission are entitled to the greatest weight. Certainly, the opinions of Directors of Convict Prisons, both in England and Ireland, are entirely in accordance with the view stated by the Commissioners, and there is such a preponderance of evidence in favour of that view, that I think the House would act wisely in adopting the recommendation of the Commissioners; and in adhering, subject to certain modifications, to a principle which I believe is essential to promote good conduct and industry in all our convict establishments. The Lord Chief Justice says, that if this principle is good it should be applied universally, to short as well as to long terms of imprisonment, and not to sentences of penal servitude alone. But, with all respect for that distinguished Judge, I think there is a great practical distinction between the two cases. If a criminal is sentenced to one or two years' imprisonment, the end of his punishment is not a remote thing to look forward to; whereas, with a sentence of seven or ten years, if he can hope for no partial remission of it, he can only be coerced by fear, and there is no motive to operate on his mind for good. This difference between long and short sentences justifies, I think, the difference of practice. As to the argument based on the alleged uncertainty and vagueness which this principle introduces into our punishments, let me illustrate the point in this way. Take the case of a sentence of penal servitude for twelve years. Assuming that one-fourth of that term may be remitted for good conduct, in accordance with the suggestion of the Directors of Convict Prisons, surely the Judge in pronouncing a sentence of twelve years' penal servitude has the power of explaining, and making the public understand what the effect of such a sentence would be. Its obvious and unquestionable effect would be, that one-fourth of the term only would be capable of being abridged by the industry and good conduct of the convict, but that the remainder could not be abridged or remitted. Thus, with a sentence of twelve years' penal servitude you have the certain infliction of nine years, with a margin beyond that of three years, which would be an addition to the certain part of the punishment, unless the good conduct and industry of the criminal procured for him its remission. I think, therefore, that the objection as to uncertainty cannot be fairly urged by those who know how the system works. It has been thought, indeed, by some that the mere report of a chaplain, that a particular prisoner is apparently a well-disposed man, suffices to open the doors of the prison for him during any period of his sentence. That is entirely a popular delusion. No such capricious remission can take place. There is only a certain and fixed portion of the term which can be abridged on the positive conditions of industry and good conduct. With all deference, then, for the opinion of the Lord Chief Justice, agreeing with him in theory, and thinking his argument would be sound if this were merely an abstract question, but taking a practical view of the matter, and considering the necessity of making punishment deterrent as its primary object, but of supplying of a motive for good conduct, and of encouraging reformation as its secondary object, I believe we shall do well to hold out the hope of the remission of a part of these sentences; and the portion we propose is one-fourth.

But if this is conceded, there is another point in which the right hon. Member for Oxfordshire differs from his Colleagues. He does not differ from them on the principle of remission, but only on the question whether the remission should be given absolutely or conditionally. [An hon. MEMBER: In this country.] Both the Lord Chief Justice and the right hon. Gentleman agree to the principle of remission as applicable to convicts to be removed to Western Australia. With regard to the Lord Chief Justice's view, I must say that if the principle is to be admitted in Western Australia—to which he thinks the great body of these convicts should go—then the objection as to the alleged uncertainty of the punishment will apply just as much whether the convicts are sent to another hemisphere, or whether they are kept in this country. But the right hon. Gentleman has a doubt whether in this country, if there is to be a remission, it ought to be absolute or only conditional. For myself, I was originally rather inclined to adopt the view of the right hon. Gentleman. I think the reasons in favour of that view are entitled to great weight. No doubt, a conditional licence very much impedes the free action of the convict, not in the direction in which it is most desirable that it should be impeded—namely, in the course of crime, but it stands in the way of his obtaining an honest living after he comes out of prison. There is, and I hope there always will be, a disinclination in this country among honest labourers to associate with persons who have been convicted of crime. In the labour market it is often difficult for an honest man to find employment, and the difficulty must naturally be greater for a man coming out of prison; and there is an especial feeling against the holder of a licence. On this account, I believe a longer term of imprisonment would, by many convicts, be preferred, with absolute freedom at the end of it, to a revocable licence at an earlier period subject to restrictions, and a liability, on a breach of the conditions of the licence, to be sent back to prison. An unconditional licence would remove all objections to the convicts going abroad to any part of the world; and it was no doubt with this view that the Commissioners thought it desirable that a licence should be made general in its terms, instead of being restricted to the United Kingdom. But how can a revocable licence be made applicable beyond the limits within which it is granted? You directly encourage the licence holder to go abroad if you tell him it is not confined to the United Kingdom; and in America or Australia, or in any foreign country, he would be beyond the reach of the authority that could revoke his licence. I am very much afraid we should in such a case have other remonstrances from the colonies as urgent as those we have recently received. They would say you mean, by absolutely discharging your convicts, to enable them to come at once to the colonies; and that this is only a concealed system of transportation. But, on the other hand, there are reasons to prevent the adoption of absolute in preference to conditional remission. Great alarm would exist throughout the country if, with reference to the large number of convicts now in prison undergoing sentence, to whom expectations have been held out of a remission of a certain definite portion of their sentences, they should be at liberty to go back to their old haunts in London, Birmingham, Manchester, or Liverpool, and to mix with their old companions, free from all restraint, and only subject to the ordinary law of the land. The effect of that would be to create great alarm in the country. Looking, therefore, to the recommendations of the Commission, and the advantage derived from the check placed on convicts during the earlier period of their freedom, the Government have thought that for the present, without prejudging this question for the future, it would be better to recognize and continue the existing practice; and, unless Parliament should otherwise decide, to make no alteration in it with regard to conditional licences.

There is one important recommendation which is not contained in the five enumerated at the end of the Report, but one which I think probably the House will consider must have great effect upon these licence holders in deterring them from the commission of crime, and that recommendation is to be found in the 42nd paragraph of the Report. The Commissioners say—

> "Above all, it ought to be provided that if a licence holder is convicted of any serious offence, this shall be considered such a breach of the conditions of his licence as to cancel it, making him liable to be remanded to a convict prison for the whole portion of his original sentence that remained unexpired when he was discharged, to which should be added the term of any new sentence he might have incurred. This last provision would remove one of the causes which has most tended to render nugatory the conditions endorsed upon licences. Under the law as it stands, these licences have generally not more than six or nine months to run when first granted; hence, if the holders are committed to prison for some new offence, it generally happens that by the time they come out so little, if any, of their original sentence remains unexpired that it is not worth while sending them back to a convict prison, where, perhaps, they would only be detained for a few days. They thus practically escape incurring any punishment whatever for the breach of the conditions on which they were released."

It is therefore proposed, that where a

icence is revoked, the convict, as the effect of that revocation, shall be sent back to a convict prison, not merely to undergo the probably short remaining period of his original sentence, but to begin, as it were, where he left off, and to undergo the whole term of the original sentence which remained unexpired when he was discharged on licence. There is another recommendation, also an important one, connected with the restraints put on the holders of licences in the commission of crime. I stated last year, in the discussion which then took place, the difficulty of enforcing the conditions of licence—that is, in revoking a licence for alleged breach of its conditions, without involving a violation of the ordinary principles of law, on the mere report of a policeman, without evidence on oath, and without giving the convict an opportunity of defending himself. I have long felt it impossible, consistently with a just administration of the law, to have an effectual mode of enforcing the conditions of licence, unless the law was altered so as to make a certain class of offences connected with breach of licence cognizable by magistrates, and to subject the licence holder to a judicial proceeding. The Commissioners recommend a change in the law with that view. They say—

> "Some changes in the law would be necessary in order to enable the Government to exercise a proper authority over this class of convicts. In the first place, in order that a licence holder may be compelled to preserve his licence, it ought to be made an offence for him not to produce it when duly required; and there ought to be a power given to apprehend licence holders believed to have been guilty of misconduct, before the actual revocation of their licences. Provision should also be made for enabling magistrates to hear evidence upon oath as to any breach of the conditions endorsed upon the licence imputed to a licence holder, and to adjudicate upon the fact, with a view to the revocation, or, in trivial cases, the suspension, for a longer or shorter time, of the convict's licence."

This is intimately connected with the difficult question of the supervision of convicts. Upon this point, I must say I do not think the recommendations of the Commissioners so explicit as it is with regard to other points. In this country—it might be different in Ireland, where the police are under the management of the central government—but in England it would be almost impossible for a man to have the chance of obtaining an honest living if he were called on once a month or once a quarter to give an account of himself to the police. But what is required is this, that in order to facilitate identification of licence holders, they shall be photographed; copies of their photograph being sent to the police of the place to which they go on their discharge. The licence holder will be required, within seven days of his discharge, to report himself to the police, and he will not be allowed to receive the second instalment of gratuity unless there be endorsed on the gratuity ticket that he has so reported himself. With regard to the form of licence also, some alteration has been made.

The provisions of the Bill, then, are shortly these:—That all sentences to penal servitude less than five years shall be abolished; that five years shall henceforth be the minimum; that conviction for any indictable offence *ipso facto* shall revoke a licence; that where a licence is revoked, the whole of the original sentence shall be undergone by the convict; that licence holders shall be bound to produce their licence when called upon to do so; and that a breach of the conditions of the licence shall be cognizable by two magistrates, who may sentence a convict for a breach of his licence to an imprisonment of three months. A summary conviction will not necessarily revoke the licence, as in the case of a conviction of an indictable offence, as it may be that the breach of any of its conditions may be of a nature to be sufficiently punished by imprisonment, without entailing the infliction of the unexpired term of punishment under the original sentence. In such cases the conviction is to be reported to the Secretary of State, and it will be in his discretion, upon a review of the circumstances, to revoke or suspend the licence.

There is another recommendation of the Commissioners to which effect is given by a clause in this Bill. The Commissioners express the opinion, that where insubordination occurs in a convict prison, or where a serious assault is committed upon any of the officers, the immediate infliction of corporal punishment is desirable; and, as there were but three Directors of Prisons, and they have to travel long distances to some of the prisons, a considerable time may sometimes occur between the commission of the offence and its punishment, thus lessening its effects upon the other prisoners. The Commissioners, therefore, recommend that in such cases local magistrates may be empowered to inquire into the circumstances, and to award the punishment. The directors are of opinion that, with the addition of a fourth director, a director can always attend to order the infliction of punishment in such cases as I have referred to. As, however, only a permissive power is recommended to enable certain magistrates to exercise those powers if necessary, I have thought it desirable to adopt the recommendation of the Commissioners, and to empower two magistrates to attend at the prison and to adjudicate on the case on any emergency after taking evidence on oath, as is required of a director. Those are the provisions of the Bill which I now ask leave to introduce. I believe it will carry into effect all the main recommendations of the Commissioners which require the intervention of Parliament. For reasons which I have explained, and which my hon. Friend the Under Secretary for the Colonies will afterwards more fully point out, our plan of transportation to Western Australia is more limited than they have recommended, but with that exception we have endeavoured to give effect to their recommendations; and I think, if Parliament should adopt this Bill, the result of the labours of that Commission will be most beneficial to the country, both in effecting improvements in our system of punishment, and placing the law upon a more satisfactory footing than at present. The right hon. Baronet concluded by formally moving for leave to introduce the Bill.

Moved, "That leave be given to bring in a Bill to amend the Penal Servitude Acts."

MR. ADDERLEY said, he could not resist the conviction that the measure proposed to be introduced was founded upon an unsound principle, and although it was unusual to oppose the introduction of a Bill, especially one proposed by the Government, and relating to a subject upon which it was admitted on all hands that some legislation was required, he felt bound, although with considerable diffidence, to point out what he believed to be solid objections to the measure. In the remarks he should make he spoke only his own opinion, and, of course, upon such a subject there could be nothing like party feeling. He should discuss the question upon the text of the Report of the Royal Commission. There were two principles which might be embodied in a law affecting penal servitude, and both these principles, contradictory as they were, could be found—one embodied in the Report of the Commissioners, and the other in the memorandum of the Lord Chief Justice which was appended to it. One principle tended to increase the sentences and to lengthen imprisonment to an inordinate degree, for the purpose of making what might be called psychological experiments in the reformation of prisoners, and for that purpose the principle required an intricate system of gradations of punishment, and conditional remissions as moral incentives and stimulants to hope and energy. The other principle would distinguish punishment from education, and would make such punishment definite, certain, bitter, and uniform. It was upon the first-mentioned principle that their present practice was based, and therefore they had had experience of its working. The system had been tried and found wanting, and yet the proposed measure was based upon the same principle, and sought to remedy the inefficiencies of the present law by extending the principle upon which it was based. The other principle was enunciated in the memorandum of the Lord Chief Justice, and was, he ventured to say, the sounder of the two. He would at present only mention two or three objections out of numerous others, which he took to the measure as sketched out by the right hon. Gentleman. First, while it pretended to embody the recommendations of the Commissioners, it omitted that which was a most important feature in their Report. Lord Grey had stated that he would not have proposed those very lengthened sentences but with a view to give a scope for transportation at the end of them. The Bill adopted the recommendation of lengthened sentences, but the Home Secretary declared that there was no possibility of realizing the desired end of transportation, and he had, therefore, adopted half a principle without its specific adjuncts. There was no greater difficulty experienced at the Home Office, or by the Administrators of our prisons, at this moment, than the accumulation of convicts. By the system now in force, so long were the terms of punishment that it became impossible to carry out the precise terms of the sentences. Public works were insufficient to supply the second stage of employment, and transportation was closed against us; the consequence of which was that many prisoners were detained in the convict prisons beyond the first period of their sentence. The prisons were consequently overcrowded, and the convicts were reduced to a state of sullen discontent by finding that the hopes which had been held out to them were not realized, but that they were defrauded of a portion of the time allotted to the second and more agreeable stage of their punishment. A Governor of a Government prison had stated in his hearing, that in consequence of that feeling the discipline of his establishment was in a great measure paralyzed. If still longer sentences were awarded, of course, the state of our gaols would be even worse than at present. He was not inclined to dispute the impossibility of recurring to transportation. He did not think it would be desirable, even were it possible, but that question was disposed of by the declaration of the Government, who must be best acquainted with the facts of the case, that it had become impossible. It might be carried out to a limited extent, as a few convicts might be sent to Western Australia, and those few were to be under life sentences. It was clear that at the outside only 600 prisoners would be sent away every year to Western Australia, so that the great majority of those with whom we had to deal would have to undergo the whole of their punishment, whatever it might be, in this country. That being so, it was a question which it was very material to consider, whether it should be laid down as a principle that, whenever a man was undergoing the penalty of any crime, we were to undertake his education during a period of which the minimum extent would be five years. To him he must confess that long diluted punishments under the hopeless pretext of education, under those circumstances, seemed to be preposterous.

He next came to his second objection, which was to the ticket-of-leave. That which was essentially part of what might be called the moral suasive system of punishment, was, in his opinion, the most dangerous of all, and would always be so unless it were connected with a valid supervision of the police. Such a supervision, although the plan had been tried for eleven years, had been found to be impossible in this country, and yet it was proposed to continue the system, notwithstanding the results of experience, and in spite of such evidence as that of Sir Richard Mayne, who stated that the principal effect of a ticket-of-leave in England was to give a man greater opportunities of committing crimes. The case of Ireland, he might add, did not at all appear to him to prove that a system which had been so successful there was equally applicable to England. The success of the system in Ireland was mainly due to the great facilities for emigration which existed in that part of the kingdom, and the more we were able to facilitate the emigration of prisoners at the conclusion of their sentences, the safer, no doubt, it would be for ourselves. Twenty-five per cent only, it should be borne in mind, of the prisoners in Ireland did not go abroad, and this small number were kept under supervision, and the success of their treatment had been mainly owing to the most judicious arrangements of a single person—Mr. Organ—whose equal in efficiency we could scarcely hope to find in the numbers which we should require in this country, and who himself admitted that he could not deal with a larger number of prisoners than he had already under his charge. There was no good ground, therefore, he maintained, for holding out the example of Ireland as an argument for the possibility of having an effective supervision by police in this country of those who held tickets-of-leave. The impossibility of such a supervision being admitted, we must look forward to an increase of crime under the ticket-of-leave system as the result to be expected from our observation of the past. But it appeared from the papers which had been placed in the hands of hon. Members that morning, that the system was to receive a new name; and, for his own part, he thought such a change, as well as all frequent changes, made in our penal code, very mischievous. Indeed, the inefficiency which was confessed to attach to that code might, in great measure, be attributed to the constant changes which had been introduced into it within the last fifty years. Be that as it might, however, the ticket-of-leave system, under its new name of "conditional release," was proposed to be made more stringent by making it compulsory on a convict to report himself to the police whenever he changed his residence. [Sir GEORGE GREY: I merely said that he should report himself in the first instance, in order to be identified.] If that were so, what hold, he should like to know, would the police have upon the man? None at all, and they would find it impossible to exercise any control over the holder of a ticket-of-leave, unless he were obliged to report himself from time to time, it being their duty in the event of his not doing so to ask for a warrant for his apprehension, with a view to his being sent back to prison. Anything short of that could scarcely be said to be entitled to the name of supervision.

The right hon. Gentleman said, that if

one part of a man's punishment were fixed and the other uncertain, the whole would have the character of a fixed punishment. He (Mr. Adderley) held the contrary opinion, and believed that a punishment which had any part of it uncertain would wholly bear a character of uncertainty in the estimation and speculations of criminals. It took away all the terror of punishment if no man knew for certain how long even any portion of it would last. The great charm of crime was its lottery, and in this country the best part of that lottery was the punishment. The consequence of the existing system was, that neither the prisoner nor the Judge could know what was the period for which any sentence of penal servitude would practically operate. He objected also to any system of educationary punishment, that it was necessarily extremely complicated. In the ninth paragraph, for instance, of the Report of the Commission, which professed to be an explanation of the second stage of penal servitude, the period passed in the public works, occurred the following passage:—

> "On the reception of a convict on public works the remaining term of his sentence is divided into three portions or stages of discipline, in the lowest of which there are three classes. Convicts are first placed in the first, second, or third class, according to the report received of their conduct while in separate confinement. Those in the second or third class are advanced to the next class if their conduct has been good for a period of three months. No convict is advanced beyond the lowest stage unless he is in the first class; and if, having attained to a subsequent stage; he is degraded for misconduct to a lower class than the first, he is removed back into the lowest stage, until by good conduct for three or six months, as the case may be, he has regained the first class."

That was a very good puzzle, the solution of which would require a good deal of ingenuity; but it was a bad penal sentence, the explanation of which was a riddle. The use of badges and marks, both as already existing, and as it was proposed to be modified, was equally indistinct and fallacious. The whole system was, from its complication, most injurious. It was, moreover, impossible to obtain inferior officers who, without exception, should have sufficient judgment, integrity, or even courage, to carry out such a system rigidly and fairly, and, if it were not so administered, it worked harm instead of good. The right hon. Baronet asked by what other system you could gain the submission and stimulate the industry of prisoners; so that it appeared that that whole system of marks, badges, remissions of sentence, and gratuities, was intended as a means of bribing prisoners to submit to the authority of those who were placed over them, and to the necessary discipline of legal punishment. It reminded him of what used to take place in the Royal Yacht Squadron, when the Earl of Yarborough, then Commodore, was said to have carried his regard for sham discipline so far as to have occasionally given a man £5 to induce him to submit to be flogged. The fact was, that the alternative for which the right hon. Baronet had asked was to be found in a sound system of classification, which would hold out quite a sufficient inducement to good conduct, without remitting, or abridging, or rendering uncertain the sentences of prisoners. The present system had completely disturbed, in fact, almost reversed, the gradation of punishment. We had first the terrible punishment of death, which instilled real terror. Then came that most indistinct and hazy punishment of penal servitude, which, according to the Royal Commissioners, was, in consequence of its uncertainty, regarded by offenders with little terror; for, although in the forty-ninth paragraph of their Report, which was read by the right hon. Baronet, they said that it was more severely felt than was generally supposed, in the thirty-first they admitted that it was not sufficiently dreaded by those who had undergone it, and who constantly returned, or by the criminal classes generally, and stated that crimes were sometimes committed for the sake of obtaining the advantages it was supposed to bring with it. Next in order to that so called punishment, respecting which it was difficult to decide whether it was a prize or a penalty, we nominally descended, but really ascended again to sentences of imprisonment for minor offences, which were carried out in many ordinary gaols so rigidly as to be very terrible to the criminal class. It was essential to correct that disturbed order by rendering that highest secondary punishment which was the alternative of death, and the penalty of the worst class of crimes, much more severe than it was, and something more dreaded than mere imprisonment. In his opinion there ought also to be no difference between the punishment of imprisonment in a convict prison and that in an ordinary gaol; but that in the former case the prisoner, after undergoing all the severities which were inflicted in the latter, should have to be employed for a certain time upon public works. Then penal servitude would take its place between death and mere imprisonment.

The legislation which he should desire to see would be based upon the principles opposite to those on which the Bill was founded. He would make punishment to be punishment. Reformation should be concurrent with it as far as possible, but he would make punishment, that is, the suffering something disagreeable in consequence of crime, the sole object of the penal law. He would have it precise and understood by all—definite, uniform, and bitter. He would abolish tickets-of-leave. He would repeal the sections of the Act of 1853 which introduced them. He would make sentences literally coincide with the punishments to follow them, and would have every sentence rigidly carried out. There should be no alleviation of a man's punishment in prison except by his promotion, in consequence of his industry and good conduct, from one of the classes which had been most wisely introduced into prison discipline to another. The length of the sentence should never be abridged except by the Royal clemency; its meaning should be made clear by Act of Parliament; and not only should the treatment of prisoners in all gaols be uniform, but the labour to be performed in all, and upon public works, should be so defined by the Legislature that every one in the country might understand it. The advantages of such a system would be that punishments would be simple, and therefore intelligible to all; that discipline would be improved and facilitated, because prisoners, instead of being, as they were then, continually irritated by new hopes and fresh disappointments, would know what they had to bear, and would make up their minds to bear it; that we should have fewer prisoners to deal with, because, as the imprisonment would be more severe, the terms, of course, would be shorter than they then were; and that, for the first time for a long period, the criminal class would entertain some fear of punishment. The right hon. Gentleman had considered the question of transportation, and what he called a concealed kind of transportation, but he had found difficulties in the way, because he treated it as part of punishment proposed, and retaining Government control over persons going out. But, if the term of punishment was completed first, could there be the same objection on the part of foreign countries to the emigration of free men? Discharged prisoners, he thought, at the expiration of their sentence, might advantageously be left to the treatment and assistance of some voluntary agency in the nature of the intermediate system of Sir W. Crofton in Ireland, or of the Discharged Prisoners' Aid Society, which had found, in the majority of cases with which it was brought in contact, that persons were willing and thankful to be sent abroad, owing to the difficulty of finding work in England. He would suggest that increased aid should be given to voluntary societies, not from the Treasury, for that would connect the Government with the scheme, but from local rates, as by the Discharged Prisoners' Aid Act, to enable them to send away discharged convicts who were willing to go abroad, a discretion being in all cases reposed with the visiting justices of the district. Transportation would be then put in its true light, as an opportunity of new life after punishment passed. There would be no concealment under such a system, and any objections which might be urged to it would be quite as applicable to the existing practice. So strongly did he entertain these views that, if no one more competent undertook the task, he would, himself, submit a Bill to the House, based on the contrary principle to that embodied in the Bill of the Government, and allow Parliament to decide between the two.

Lord NAAS said, it was the usual practice in that House, upon questions of great importance, to postpone discussion till the second reading of the Bill. But the subject which the right hon. Gentleman had brought under their notice, was one with which the House generally was so familiar, that they were in a position to discuss at once the main provisions of the Bill. In fact, there had been so many proposals made from time to time with respect to convict treatment, that hardly any measure could be introduced which could lay claim to novelty. Besides, the principles advocated by his right hon. Friend were so erroneous, and so totally opposed to the experience of past years, that he should hardly be doing his duty if he did not oppose them. To a great extent he agreed with the proposals of the Government, but he could not help expressing his regret that they had determined not to carry out the recommendations of the Royal Commission on the important branch of transportation. He regretted that the more, as he thought Her Majesty's Government had arrived at rather a hasty conclusion on that important branch of the subject. It was true, remonstrances had been sent home from the colonies. Meetings had been held, petitions had been framed, and communications had been sent to the Home Government; but it seemed that the Government seemingly had not taken time to point out to the leading inhabitants of the two Australian colonies, gentlemen for whom he had every respect, the futility and weakness of their arguments. Of the three parties primarily concerned—the mother country, the colony which was to receive the convicts, and the colonies adjacent—two were strongly in favour of transportation. It had never been denied that it was the best form of secondary punishment which the wit of man had ever been able to devise; it was at once deterrent to the guilty and humane towards the convict, for it held out a chance to him of regaining his place in society. Every gentleman who had studied the subject, and was officially or otherwise connected with Western Australia—the only place in a position to receive our convicts—admitted, that to the colony transportation would be a very great boon. The only condition they imposed was, that the convicts should be healthy and able to work; and no one would dream of sending out any others. The only quarter from which objections proceeded was from the adjacent colonies. Now, he held in his hand a map of the continent of Australia, from which it appeared that the distance from Fremantle to Adelaide was, by sea, 1,900 miles, and by land 1,800, the distance to Melbourne 2,400, to Sydney 3,100, and to Launceston 2,600. To say that the colonists of Eastern and Southern Australia had a right to complain of the establishment of a convict settlement in Western Australia would be as reasonable as if we were to protest against a proposal on the part of the Portuguese Government to send colonists to Madeira, or as if the residents in Newfoundland disputed our right to found a convict settlement somewhere on the west coast of Ireland. In practice, it would be found that there were greater facilities for intercourse between this country and Madeira, than there either were or could be for a very long period between Eastern and Western Australia. He believed there were hardly any instances worth mentioning in which convicts had succeeded in making their escape to the other Australian colonies. By land, there existed between Western Australia and the nearest point of South Australia an impenetrable and waterless desert. Many exploring expeditions had failed there, and he did not think there was a single authentic instance on record of a convict starting overland from Western Australia and succeeding in getting to the other colonies. By sea the passage might be easier, but it was scarcely possible that any man, entirely destitute of means, could succeed in making his way for such enormous distances. Great pains were taken to prevent the conditional pardon and ticket-of-leave men from embarking from the colony. If, however, they succeeded in embarking, what reception did they meet with on their arrival in another colony? The other colonies prohibited the landing of persons not provided by passports to show that they were untainted by crime. Could the House believe that, in the face of these precautions, any great influx of convicts would take place into the other Australian colonies? It was proved that, in point of fact, no such influx of convicts occurred. The Peninsular and Oriental Company's vessel, which called at King George's Sound every month, had not carried more than four persons of the class to which convicts would naturally belong. With regard to the class of inhabitants of Western Australia, whose sentences had expired, and who had ceased to be convicts, it was clear that they did not go to other colonies in any numbers. By the last census of 1859, there were 2,839 men in the colony whose sentences had expired, or had tickets-of-leave; and in that year only 119 persons left the colony of Western Australia for all parts of the world. It appeared to him that the Government had come to rather a hasty conclusion on the matter, and that if the Colonial Office had endeavoured to show to Her Majesty's loyal and well-affected subjects in the colonies, that their fears were groundless, public opinion in the colonies might have undergone a change, and some reasonable understanding might have been come to. The inhabitants of New South Wales, Victoria, and South Australia, ought to be told that there was no person of any authority and no party in this country who wished to restore transportation to any other colony than Western Australia. The argument employed by some of the Colonial newspapers, with regard to the thin end of the wedge, was entirely out of the question in the face of the facts he had mentioned. He trusted that this discussion would convince the Australian colonists that they had been actuated by sentiment, and the recollection of old sores and ancient evils, and that they had much better reconcile themselves to a limited transportation to Western Australia.

Before he sat down, he wished to make a few remarks about the treatment of prisoners at home. He was glad to find that the Government intended to adhere to the principle of a remission of sentence in cases of good conduct. He believed that that principle was at the root of all good convict management. If there were one thing proved by the evidence taken before the Royal Commission, it was the necessity of holding out the hope of a remission of his sentence if they wished the convict to be well conducted in gaol, and to be ultimately reformed. The deprivation of small indulgences in prison weighed but little in comparison with the hope held out of a remission of the period of imprisonment. His right hon. Friend says that the remission of sentence imparted an element of uncertainty. He felt the highest respect for the character and ability of the learned Judges who had reported on this question, but he could not understand why it should be difficult, as these learned Judges seemed to think it was, to explain to prisoners the grounds on which they might expect a remission of sentence. If those learned gentlemen would study the appendix to the Report of the Commissioners, they would have no difficulty in explaining the condition to the most obtuse intellects that could be brought before them. The convicts were under no such uncertainty; for in all prisons the most minute rules were at every convict's finger's ends. Another objection had more force—namely, that the remission of imprisonment robbed the sentence of that severity which was necessary to deter prisoners from crime. The principle now adopted to a great extent was, that in the earlier period of detention prisoners were sentenced to severe punishment, and placed under as much restraint as was compatible with their health. When he had the honour to hold an office which brought him in contact with those engaged in the custody of prisoners, he had opportunities of learning that so severe was the discipline, and so terrible the punishment of the separate imprisonment during the earlier period of the sentence, that it was impossible to keep the prisoners in health for more than ten months. The remission of sentence was, therefore, quite compatible with the severity of punishment. He thought that a mistake had been committed in imagining that marks for good conduct, or for educational progress, ought to effect a remission of the sentence. Bad conduct ought to prevent it, but the good marks ought to depend on actual work performed, as he believed that industry was the only quality which could be accurately tested. He rejoiced that the Government had adhered strictly to the recommendation of the Commission, because to abolish the principle of remission would be to deprive the convict of all hope. He quite agreed that deterring from crime should be the primary object of all punishment, but the addition of the reformatory principle was perfectly possible, and the endeavour to make the men better should be tried by every possible means. It had been tried to a considerable extent in Ireland and to a limited extent in England, and every one who had had anything to do with criminals concurred in the conviction that it ought to be an element in their treatment. But strongly as he was in favour of continuing the principle of remission, he was disappointed with the proposal of the Government as to the management and surveillance of men released on tickets-of-leave. He knew that the very name of a ticket-of-leave created vague alarm. A succession of outrages by men who were called ticket-of-leave men, but who had no right to the name, had induced a belief that the system created a class the most to be dreaded of all the dangerous classes. The House would be surprised to hear, that in the proper acceptation of the term, there was not a single ticket-of-leave man in England. Tickets-of-leave, properly so called, implied the performance of certain conditions, but in this country, as distinguished from Ireland, there had been no attempt to make those conditions operative. Not only was it the fact that the police did not interfere with discharged convicts in England, but they had been ordered by the authorities not to do so, for fear of preventing their getting employment; and the men who were ticket-of-leave men only in name were more free to commit crime without the interference of the police than any other of the dangerous classes. Sir Richard Mayne in his evidence stated, that not only were they not under the inspection of the police, but the police were directed not to interfere with them; and although in some instances, from the previous circumstances of the man's life and the nature of his crime, he had deemed it his duty to let the employer know what had been his previous character, that power had been rarely exercised, believing, as he did, that non-interference was the wish of the Legislature and the authorities. The alarm, therefore, which had been created in this country, was the result not of the ticket-of-leave system, but of the system of releasing prisoners without any surveillance, and without any attempt, on the part of the Government, to prevent their relapsing into crime. The system of supervision had been exercised to a considerable extent in Ireland with very great success, and he owned he was disappointed to learn from the statement of the right hon. Gentleman, that the Government seemed inclined to put aside the question of surveillance altogether. There were great difficulties in the way, no doubt, but they were not insurmountable. In the papers which had been laid on the table, he found the head of the convict department, Colonel Henderson, stating, that for the system of supervision to be of any use, the whereabouts of every convict must be known, and that in such immense cities as those in England, it was practically impossible. He inferred, from such an expression of opinion by so high an authority, that it was not intended to attempt a plan which had been found highly successful in Ireland. With regard to the objection that, from the great number of convicts in England, it was impossible to exercise supervision over them, it seemed to him as easy to exercise it over a great number as over a few, because the whole number must be divided into groups not too large for one officer of police to overlook and be responsible for one particular group. With regard to the objection that it prevented the men getting employment, he admitted, that if the supervision were indiscreetly and conspicuously conducted, without any attention to the feelings of the men, it might have that effect; but Mr. Organ had found that in Ireland the very knowledge that the men would be occasionally communicated with by an officer, and would be under his control and subject to his advice, was a great incentive and stimulant to employers offering them work. Another objection was a very curious one. It was said that the system must fail in England, because English criminals were so much worse and more desperate than Irish criminals. As an Irishman, he felt very much flattered by the distinction, but he conceived that they might find among Irish criminals men as desperate and as bad as any they could find in this country. He quite agreed that there was a class of Irish criminals more easily managed than any class of English criminals, but that was a small class, and the difficulty of dealing with a Cork or Dublin thief, and the difficulty of dealing with a London thief, though the latter might be the more skilled, was about equal. Another objection was made by the right hon. Gentleman that night, that the Irish system depended for its efficacy entirely upon a few able and enthusiastic men like Mr. Organ, and other gentlemen connected with the convict department in Ireland. He had the greatest possible admiration for Mr. Organ, but he still believed that it only required energy and attention on the part of the Government to find plenty of gentlemen able and willing to perform the same duties in England which had been performed with such success by Mr. Organ in Ireland. If they adhered to the principle so well laid down by the Secretary of State, that in all cases there was to be remission of sentence, they must attach to it the principle of a ticket-of-leave and supervision. He did not think the people of this country would tolerate the release of a large number of criminals without some check, and experience in Ireland had shown what that check was, and how, with a few energetic men to carry it out, it must be successful. He believed, that by issuing a ticket-of-leave, and enforcing its conditions, they would in a short time gain a certain hold over the criminal classes. Habitual criminals would then have but three courses open to them—to leave the country, to lead honest lives, or to make up their minds to spend the rest of their days in prison. The Government, by their proposal that night, had taken one step in that direction, and he hoped they would go on and make the system complete. As to the seven and five years' sentences, undoubtedly every witness who had come before the Committee had stated, that short sentences were among the greatest difficulties they had to contend with. Sentences of penal servitude ought to be reserved for grave crimes, or for the frequent repetition of small offences. No man ought to be sentenced to penal servitude who was not a grave criminal, and his sentence ought, therefore, to be of sufficient length to give him every chance of reformation. He was afraid that could hardly be done in a five years' sentence, and he regretted that the Government had chosen the shorter period. However, by this Bill, they had taken a great step in advance, which would be a great benefit to the country, and he congratulated those able men who had been so long endeavouring to impress their views on the public, on what seemed likely to lead to the triumph of their principles. He believed they were then in the right track, and if they continued to go on, they would succeed in establishing a system which, like that existing in Ireland, would be attended not only with the punishment, but with the reformation, of prisoners.

MR. WHITBREAD said, that he wished to make a few observations on what had fallen from his right hon. Friend and the noble Lord. His right hon. Friend the Member for North Staffordshire (Mr. Adderley), had complained very much of the Government Bill, but it was not easy to gather what he would suggest in lieu of it. His right hon. Friend was opposed to all remissions of sentence. But he (Mr. Whitbread) should be very unwilling to undertake the management of convicts on this principle. Without some prospect of mitigation by way of reward, it would be impossible to coerce some 1,300 or 1,400 convicts into submission or good behaviour. His right hon. Friend had argued against the system of dealing with convicts at present in force; but it could not be contended that the system had broken down, for after full inquiry a Royal Commission had reported favourably upon it. For many years the system had worked well, and for many years, he thought, there had been a decrease of crime in the country. It was quite true for the last two years there had been an increase in the graver crimes, but that was no wonder, seeing that we had ceased transportation and had got back a large number of old, hardened offenders. Men who had been convicted of burglary, or robbery with violence, were not likely to turn their hands to crimes of a lighter nature. He (Mr. Whitbread) must say he did not think due weight had been given to the fact of an enormous number of hardened offenders having been discharged upon the country during the last seven years instead of being transported. His right hon. Friend had objected to the system of registry by marks or letters, and he was an advocate of the introduction of classes among prisoners. But what substantial difference was there between these two proposals? It was a distinction without a practical difference. He should like to know by whose authority the right hon. Gentleman proposed to conduct the discipline of a prison without either rewards in the shape of increased diet, or increased hours of rest, or indulgences of that kind, or, on the other hand, without hope of some remission of sentence? He was quite confident his right hon. Friend would be told it would be quite impossible to keep a prison in order without some remissions of that kind. He concurred with the noble Lord who had last spoken, that it would be very desirable, if we could do so, to continue the transportation of convicts to our colonies. But seeing the serious remonstrances which had been made against that course, he quite concurred with the Government that it was not worth while to run counter to the feelings of the colonists themselves. He did not, however, think their reasons against receiving the convicts were very valid. By their opposition the colonists were sacrificing a large amount of valuable labour through fear of incurring a risk which was very small, but he did not think it would be worth while to oppose their feeling. Transportation, inasmuch as it would relieve the country from the possibility of the convict committing crime within it, would be a direct boon, but it was not the deterring punishment now that it was fifteen years ago, when people knew less about the colonies, about the opportunity they afforded of making a livelihood, and how easily convicts might return home. He had no doubt—and he had had ample means of becoming acquainted with the feelings of the criminal class upon the subject—that, if convicts got the choice, a large majority would prefer transportation to penal servitude at home. But there was one question to which he wished to draw the attention of Government. It was the question of remission. He believed that the country at large was perfectly satisfied with the Report of the Royal Commissioners, and was convinced that some remission was desirable and even necessary, for the proper conduct of prison discipline. The real question was, what form the remission should take. When the Act they were about to amend was passed, seven years ago, he (Mr. Whitbread) seconded an Amendment, moved by Sir H. Keating, the then Member for Reading, the object of which was to enact that the remission should not be conditional, but should be absolute. Let them examine what would be the gain, and what the loss, of maintaining the present ticket-of-leave system. The gain was that they were able to hold over the head of the convict on his discharge, for a limited period, a threat that if he misconducted himself he would be taken back to prison for the unexpired portion of his sentence. Now that threat was every day diminished, and by-and-bye it disappeared altogether; and they had no more hold over the convict after that time. He thought they could arrive at the object in a different way. He would suggest that a man should be discharged free, and then if he committed a crime, that he should first of all be identified, and when identified his sentence should be seriously increased, and increased on the ground that he had been previously convicted. He was glad to find that those who were charged with the duty of looking after our convicts acknowledged that it was a delusion to think that what was understood by police surveillance could be exercised over ticket-of-leave men in this country. In order to exercise that surveillance they must have a passport system. Unless the convict were prevented from travelling and moving about, it would be utterly impossible to exercise any effective supervision over him; and if a policeman could at any time call on him, while at work or at his lodging, it would be impossible for the man to earn an honest living. He must go either to prison or to the workhouse. It was a very bad system to start a man from prison with a paper containing a number of conditions which they did not mean to observe, and which the convict knew they did not mean to observe. Nor could they easily remove the impression from the public mind, that a ticket-of-leave-man was not rightly at liberty and was discharged before his due time. It was still believed by too many that a ticket-of-leave might be obtained by civility to the governor, and by deceiving the chaplain. The House knew that was not the case; but the idea was too prevalent out of doors. A solution of the difficulty was thrown out in the very interesting papers placed in the hands of hon. Members that morning. A great deal had been said about the benefit of maintaining certainty of punishment. But that was an ambiguous term; it might mean certainty that punishment should follow the offence, or it might apply simply to the duration of punishment. As to the first, the question of remission had nothing to do with it; and as to the second, the following suggestion had been made. If an offence might be considered by a Judge to be expiated by nine years of penal servitude, by all means let the man serve out that period, but let another period of three years be added to it, making twelve years in all, the remaining portion of which might be remitted. Nobody could say there was any uncertainty in that punishment, and it had this advantage, that after a man had served nine years he would have earned a title to an absolute and free release. That proposal seemed to meet all the requirements of certainty, and furnished a simple means of stimulating the man to honesty and good conduct. He must add one word as to the nature of the punishment his right hon. Friend proposed to inflict in convict prisons. His right hon. Friend must be aware that it was impossible to carry out a long sentence upon the same diet and mode of punishment which would be inflicted in the case of a sentence for six months. The question was, What was the nature of the punishment proposed? Let a man be put upon as hard a bed and as scanty a board, and let him work as hard as was consistent with health, but beyond that no system of severity could be maintained. The right hon. Gentleman had alluded to countries where severe sentences were inflicted; but it would be found that the severity of these sentences was relaxed in a way which the people of this country would not approve of. He (Mr. Whitbread) remembered seeing written over the door of a dormitory at Toulon, that it was strictly forbidden to smoke or play at any game of chance within that room. In conclusion, he must say he hoped ample time would be given for the discussion of this question, and that they would be able to arrive at a system that would be permanent. It was not to their credit that every five years they should be overhauling their penal system, and making perpetual changes. He hoped the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) would take up the question of absolute remission, and if not, he (Mr. Whitbread) would be glad himself to move a Resolution on the subject.

MR. CAVE observed, that when he heard the first part of the speech of his right hon. Friend the Member for North Staffordshire (Mr. Adderley), there arose before his mind that terrible building, over the gloomy portal of which was written—

> "Whoever enters here leaves hope behind."

But as he went on he found that what his right hon. Friend meant was only a punishment rather more severe than that of a county prison, and then an unconditional release. This being so, he (Mr. Cave) believed that most of the unhappy individuals who rendered themselves obnoxious to punishment, would rather be punished in his right hon. Friend's way than in that of the Government. He had been for many years an advocate of reformatory treatment of criminals; but he fully admitted that legislators had no business to look to the advantage of the criminal rather than that of society. If, however, it appeared that the advantage of society and that of the criminal were identical, then it was their bounden duty to follow the course that would secure both those results. When they saw that in one country the system which had been pursued for many years was more or less a failure, whilst in another country the system was more or less a success, he thought that it was the province of wise statesmen not to be ashamed to accept the system that had answered rather than their own. He was, therefore, glad to see that the Government had determined to revert to what appeared to him a rational and common-sense view of the matter. If the only object was to get rid of criminals, then the punishment of death would, of course, be the best means, but considerations of humanity prevented the adoption of that plan. Then the right hon. Gentleman the Member for North Staffordshire proposed his secondary punishment of short and sharp treatment. The experience of ages proved that that did not operate as a deterrer from crime, its only result being that the criminal was turned out of confinement a greater enemy to society than before, and probably also a greater criminal; and it mattered very little as to the expense whether he was imprisoned at intervals from time to time, instead of for a long period of years at once; but if he had remained in prison during the whole time his moral principles might have been complete, and he might have been turned out reformed. He confessed that he did not much believe in the reformation of criminals; far be it from him to say that a criminal was never influenced by religious impressions, but practically the case was too often otherwise. At the same time, if disciplinarians could not inculcate good principles, they could certainly inculcate good habits. It was the remark of an ancient philosopher, that facts constantly repeated became habits; and if they could get these criminals to adopt a course of good habits, they might in time become fixed principles. There was a striking illustration of the force of habit in one of Fielding's novels. Jonathan Wild and the Count were playing cards together in the prison. The habits of robbery were strong upon both of them, although neither of them had a farthing. The Count could not help slipping a card up his sleeve whenever he had an opportunity, and Wild could not help putting his hand into the Count's pocket, though there was nothing in it that he could take away. In the case of the criminal under sentence for a long period, bad habits could be eradicated and good ones made to take their place; but, under the old system, the good conduct by which the sentence had been shortened was merely negative good conduct. He did not acquiesce in the absurd ideas which were entertained in some quarters with respect to chaplains' reports; but there could be no doubt that the good conduct spoken of in many of the prison reports was negative good conduct, consisting in an observance of prison rules which there was little temptation to break. A man might obtain credit for such good conduct, and yet come out of prison as little prepared to cope with the temptations of the world from which he had been removed altogether as a nun escaped from a convent. For that reason there was much to be said for the system under which a criminal was brought gradually back to the outside world. Under that system, the first punishment to which he was subjected was sharp and severe. He was subjected to a shorter or longer term of solitary confinement—the most severe punishment which could be inflicted upon a man. Afterwards he went through successive stages; and was put to work with other prisoners with more and more freedom of action. Ultimately he was discharged on a conditional licence. His gradual restoration to society was best for society itself; and when released under his conditional licence, it seemed to him (Mr. Cave) that he had arrived at the finishing point at which he might become a good member of society. With regard to the certainty of punishment, he agreed with the hon. Member opposite (Mr. Whitbread), that there need be no uncertain punishment if the matter were clearly explained by the Judge on conviction. There might be uncertainty of time, but there was a certainty with regard to the amount of work necessary to qualify a convict to be again a free man; and he did not think that that would militate against the certainty of the punishment. He differed, however, from the hon. Member as to conditional licences, for he (Mr. Cave) looked upon such licences as a valuable protection to society. The right hon. Baronet, in introducing the Bill, had stated that the supervision of the police was impossible. It might be presumptuous in him to differ from the right hon. Baronet on such a point, but when he looked to the example of Ireland, he could not find any reason why it should not be applied to this country. He should have thought that the Irish police, being a military body, were less qualified than the English police to be able to exercise supervision; but they did, and did it effectively.

SIR GEORGE GREY: It has never been attempted in Dublin under the Irish metropolitan police.

MR. CAVE said, it was true, that it was not tried there. But there were other large towns in Ireland in which the supervision of the police had been tried successfully; and he could not see why it should not have been tried in Dublin. It was argued that if it was tried in England the effect would be to subject the licence-holders to considerable annoyance and restraint in their endeavours to procure employment. He did not think it would have that effect; but, as a matter of fact, most ticket-of-leave men were now well known to the police, and there were frequent complaints at present that the police did interfere in an irregular manner with returned convicts, and were an obstacle in the way of their getting employment. The police looked upon a returned convict in somewhat the same light that a hound looked upon a fox—as his natural enemy; but if the police generally had instructions to keep their eye upon licence-holders, to give them assistance and advice in their endeavours to earn an honest livelihood, a different feeling would spring up between them, and the police would be found the greatest friends and most valuable assistants of the licence-holders. Both Colonel Henderson and General Cartwright, whose reports had been presented to the House, corroborated his opinion, that the police would be efficient in carrying out the system. The hon. Member opposite (Mr. Whitbread) had made but a slight allusion to the Discharged Prisoners' Aid Society, of which he was one of the most active and influential members. This was one of the best institutions of the country, but he did not think it was the duty of such societies to give information to the Government respecting the forfeiture of licences; such a practice would tend to destroy the confidence which prisoners had in them. At the same time, he thought that such societies might prove valuable assistants to the Government in finding means for the employment of discharged prisoners. It was not the province of such a society as the Discharged Prisoners' Aid Society, he contended, to exercise supervision over prisoners, and to bring them to justice when they violated the conditions of their licences. It had a different province, so had also the Female Refuges of Ireland, and it would, in his opinion, retard their useful efforts in another direction if they were employed in such a manner. He agreed with those who said that the public had no confidence in ticket-of-leave men, but the experiment had never been properly tried; the conditions of the licence had never been enforced. It had been a mockery all through. It was got up at first for the purpose of making room in overcrowded gaols, and it had never been acted on in the manner it should have been. He was glad the Government had resolved to change the name from "ticket-of-leave" to licence.

SIR GEORGE GREY: The name has not been changed. The licence was never called a ticket-of-leave.

MR. CAVE said, it was true that it was not the official name of the licence; that it was one given to it by the public, and the new name would have its effect upon the public. He trusted they would now take up the new name and forget the old system. As to transportation, while he thought the cry raised in Australia was a wild and unreasonable one, still he admitted that the Government were right in yielding to some extent, while, at the same time, they asserted their right by sending out a limited number yearly. The colonies seemed to forget that New Caledonia, to which the French sent convicts, was nearer to Sydney than Western Australia was, and he should like to know how the Australians would deal with this difficulty. But, looking at it with an English eye, he confessed he felt that transportation was not of much advantage. It was an expensive system, and the management and supervision of convicts was not the best manner in which to employ troops; and it was difficult to convince convicts that transportation was a punishment. If the system now shadowed forth by the Government were followed out, and if it were patiently pursued, without unnecessary change (for we were too apt to be continually pecking at our institutions and digging up the seed every now and then to see whether it was growing), we should perhaps find that the hoped for success had been attained. It was said thieves were nowhere more expensive then when they were discharged, yet the force of this remark depended upon the supposition that they continued thieves. Let the sentence be sharp and severe, and without regard for the pain of the individual; but let prison discipline be mixed with moral discipline and suasion; and then, he thought, there would be turned out of our prisons, from time to time, men who really wished to lead a new life; and in this way an impression might really, after some time, be made on the immense mass of crime which was the curse, the terror, and the disgrace of the country.

Mr. CHICHESTER FORTESCUE said, it was his duty to explain to the House one branch, and that not the least important, of the subject—namely, the colonial view of the decision at which the Government had arrived upon the Report of the Royal Commission of last year. Owing to conflicting interests and opinions, the Government had found themselves exposed to a cross-fire upon this question; but the House would probably think that the middle line which had been taken was the most consistent with the opposing views and interests, and would commend itself to the judgment of the country. They declined, on the one hand, to undertake that every male convict, of suitable bodily strength, and under a certain sentence, should be transported to Western Australia, so far departing from the recommendation of the Royal Commission, and complying with the petitions addressed to them from the other great colonies of Australia. On the other hand, the Government declined to comply with some of those requests, that transportation to any portion of the great island continent should at once and for ever cease. They thought that, in fairness towards the colony of Western Australia, they were bound to continue the limited supply of convict labour which was begun ten or twelve years ago; and they especially declined to discontinue that supply at a moment when our convict system was avowedly an experimental one, and when we were not agreed as to the best way of disposing of our convicts at home. The recommendation of the Royal Commission was more moderate and more guarded than had been supposed by those who had so warmly opposed it, both at home and in the colonies. On the other hand, there could be no doubt that it had excited the greatest feelings of anxiety and dismay in the colonies, and had been received with an opposition there which could hardly have been anticipated by the eminent members of the Commission, and which the Government could not make light of or disregard. He was anxious to put clearly before the House the extent of that spirit of alarm and opposition which had been excited in those colonies, and to show how clearly those feelings had been expressed by them and brought to the knowledge of Her Majesty's Government, and how eminently it was the case, in the words of the Duke of Newcastle's despatch, that those addresses, from their origin, from their earnestness, and from their loyalty, represented not only the numbers, but also the property, the intelligence, and the character of those communities; and expressed not merely the popular prejudices, but the deep feelings and moral convictions of the people. Acting on that persuasion, Her Majesty's Government had felt it their duty to decline to accede to the recommendation of the Royal Commissioners. So long ago as that time last year the colonies took alarm. Queensland was believed here to be favourable to the introduction of convict labour. But when it was known in Queensland, through the newspapers, that Mr. Justice Byles had stated that the colony was prepared to receive a certain number of convicts, the Executive Council met, and recorded their opinions in opposition to that view, declaring that Mr. Justice Byles was completely mistaken, and that they were entirely of one mind with the other colonies on the subject. Sir G. F. Bowen, referring to that feeling, stated, in one of his despatches, that he was bound to report—

> "A growing feeling among Australians of all classes against the resumption or continuance of transportation to any part of this continent."

And that occurred last spring, before the Royal Commission had reported. It was followed by addresses from the Legislative Assemblies of Victoria, Tasmania, and Southern and Eastern Australia, and also Queensland. Besides that, it happened, when the rumour reached Australia, there was a very important body holding meetings in Melbourne for purposes entirely unconnected with the question of transportation, but for the purpose of considering certain intercolonial subjects. That body, which was composed of the chief secretaries and the leading members of the Legislatures of all the colonies, except Western Australia, immediately on hearing the news, took the opportunity of at once recording and sending home their unanimous protest against the idea of the resumption of transportation on a large scale to the Australian colonies. These expressions of opinion were quite enough in themselves to secure the attention of the Government. But since the Report of the Royal Commission still more energetic remonstrances had been made. A great public meeting, presided over by the Mayor, was held in Melbourne, and was attended by nearly everybody of influence and respectability there; and afterwards a deputation waited upon the Governor, Sir C. Darling, who wrote of it in these terms—

> "The deputation which waited on me was made to consist of not less than a hundred gentlemen, members of the Legislature, leading representatives of the commercial, banking, mining, and agricultural interests of the colony, and was accompanied by the President of the Council and the Speaker of the Assembly. I was requested by the Mayor to assure Her Majesty that her people in this colony, while continuing to maintain the deepest feelings of devotion to her throne and person, earnestly rely upon her taking such a course as would prevent so foul a blot as the taint of convictism again falling upon them."

The Governor added—

> "The expression of his earnest hope that it may be found possible to devise some plan by which the necessities of the mother country may be met, without casting over the loyal and affectionate feeling which prevails in this colony so destructive a blight as a contest of this nature, which the Imperial Parliament and Government must, whether successful or not, unfailingly create."

The Government had also received addresses from both Houses of the Legislature of South Australia, from the clergy of the Anglican Church in Victoria, and from all the principal persons now in England connected with trade and property in that part of the world, entreating them not to carry into effect a large measure of transportation. These communications represented thoroughly the views of all the classes most entitled to respect and consideration in the great colonies of Australia, and were of such a nature that the Government could not possibly be indifferent to them. If he were asked what foundation there was in fact for the alarm and apprehension which prevailed in regard to the mischievous results of the transportation system, he was bound to say frankly that he believed the popular ideas on that subject were very highly coloured. It was difficult, of course, to arrive at the exact truth in such a case; but many stories had certainly found credence for a time in Adelaide, Melbourne, Sydney, and elsewhere, which had subsequently been proved to be false, or at least grossly exaggerated. There was, for example, a statement that forty convicts had been landed at Sydney from Western Australia. On investigation, it turned out that among 200 and odd passengers who reached that port in a ship, only fourteen, and not forty, were men who had originally been convicts, most of them having conditional pardons. No doubt a certain number of released convicts found their way even to a colony so distant as New South Wales; but the figures had been greatly exaggerated. The strongest fact on the side of the alarmists which he had been able to discover was that, comparing the number of persons returned as being, or having been, convicts in the Western Australian Census of 1859, with the number of such persons known to have arrived in the Colony from England, there was a deficiency of some 1,600. After making due allowance for deaths, the figures, if correct, left a very considerable margin, which tended, no doubt, to show that a considerable body of convicts had quitted the colony for some other country. It was said, however, with perhaps a good deal of truth, that the calculation could not be relied upon, because those who had been convicts were naturally anxious to conceal their former condition, and thus many belonging to that class were returned in the census papers as free men. Still, there must have been a certain amount of convict emigration from Western Australia to the Eastern Colonies, India, Singapore, and probably this country. The truth, he believed, to be this:—That when the gold discoveries were at their height there was a considerable flow of convicts from the West to the other parts of Australia; but since the severe, exceptional, and, he might say, anomalous legislation of South Australia, the movement had in a great degree ceased. Yet, although the allegations concerning the injury recently inflicted on Western Australia by the transportation of convicts would not altogether bear examination, it must be borne in mind that the colonists had painful recollections on this subject. They remembered the days, not very long ago, when the most frightful atrocities were daily perpetrated within their borders by criminals sent out from England to the penal settlement of Tasmania, and who had been released either as holders of licences or as having accomplished their sentence. Victoria had been very heavily burdened on this account, having had to maintain a large number of criminals who had come out as convicts, and having had in her gaols in one year—and that so late as 1858—as many as 600 of the convict class out of a total of 1,100 prisoners. He knew very well that there was reason to believe that such calamities as those which had occurred in Australia, and to which we had no right to expose any of our colonies for the sake of any other colony, or for our own supposed advantage, were not likely to occur again; but then the alarmed and excited populations of Adelaide and Melbourne could not be expected to look at the matter as coolly and clearly as we did at home, and to see that the system under which so many evils befell them was very different from that in operation in Western Australia, that that settlement was more distant than Van Diemen's Land, and that the selected convicts were a much superior class to the promiscuous cargoes of criminals formerly shipped to that quarter of the globe. The convict system of Western Australia was, in his opinion, the most complete one that had ever been devised; and was well calculated to reclaim the convicts and induce them to settle as honest labourers in their new home. But although these circumstances were plain to us, the colonists of Eastern Australia did not appreciate them, and their opinions ought, as far as possible, to be respected. It was also necessary for the Government to take care that they did not meet the demand for convicts in Western Australia by an over supply.

Leaving these great and flourishing colonies, which had grown so populous as to acquire a dangerous class of their own, domestic and not imported, he turned to the small and struggling settlement of Western Australia. That colony told us that it was saved from ruin a few years ago by a timely supply of convict labour, and that the continuance of the supply was essential to its existence. It entreated us not to sacrifice its interests to those of the more important colonies; and reminded us that we had held out expectations which we were bound in honour to fulfil, as far as we could. Government had not been deaf to those representations. A few days ago he had the honour, in the lamented absence of his noble Friend, to receive a most respectable and influential deputation from Western Australia, who claimed, he was glad to find, no more than the Government were ready to grant—a supply of convict labour not exceeding that which they had of late been receiving. But the result of his conversation with the deputation was to confirm the opinion he had hitherto held, that Western Australia was able to receive but a limited number of convicts, that her capacity in this respect was limited. The main reason of her desiring our convicts was to execute her public works, and they wished to obtain the use of the convicts as soon as possible after they received their sentences. The desire of the Government, on the other hand, was that transportation should not begin at so early a date. Transportation had entirely changed its character as a punishment, and it was thought essential that convicts should pass at least one-half of their sentences in confinement and penal labour at home, only eventually finding their way to Western Australia, as a reward given for good behaviour. Such, however, were not the views of the Western Australians. Among them there was a certain limited demand for labour in private establishments. The main credit of devising that mode of disposing of ticket-of-leave men was, he believed, due to Earl Grey; and, as far as it went, it combined all the advantages of the old system, without any of its evils. But he was satisfied that the extent to which Western Australia was able to absorb ticket-of-leave men in private establishments was not so great as had been represented. The Governor stated in his latest Report that there were upwards of 200 men entitled to tickets-of-leave in the convict establishment, and that for them he could obtain no employment from private persons. Although, therefore, the Government were making a proper sacrifice to the feelings of the inhabitants of the Eastern colonies, the colonists of Western Australia might well be contented with the decision which had been arrived at. That decision, he believed, would give satisfaction to all reasonable men in every part of Australia, for even the able representative of the eastern colonists on the Commission (Mr. Childers) had expressed his unwillingness that the transportation of offenders sentenced to long periods of penal servitude should be at once discontinued. The Government, in a despatch from the noble Duke at the head of the Colonial Department (the Duke of Newcastle), entirely denied any general right on the part of a colony to dictate what should be the general policy of the Empire in other provinces of their great island, particularly when the people in the particular colony agreed and went along with Her Majesty's Government; but at the same time avowed their wish to consider the opinions and feelings of the Australian Colonies as far as their duty permitted. They were proud of the great Australian colonies, they rejoiced in their present prosperity and their future promise, and they would be glad if the consideration in dealing with them, expressed in that despatch, should have the effect of strengthening the bonds of loyalty and affection which ever bound them to the Mother Country.

SIR JOHN PAKINGTON: Sir, I am desirous, as one of the Members of the Royal Commission, and as one of the many who are deeply impressed with the importance and at the same time the extreme difficulty of this subject, to make a few remarks on the plan which has been submitted to us by the Government, and on the very interesting statement which we have heard to-night from the Secretary of State. I am bound to admit that the tone of the right hon. Gentleman was worthy of the subject which he introduced, and he treated it with the greatest calmness and moderation; and although I know in one very important particular he has decided to depart from the recommendation of the Royal Commission, I am bound to admit that in the whole case he has made he has evinced a desire to carry out those recommendations as closely as he could do consistently with the views of the Government. The right hon. Gentleman in the commencement of his observations referred in terms in which I quite concur, to the great loss we have sustained at the moment the Commissioners were making their Report, in the death of Sir Joshua Jebb. He alluded in just and feeling terms to this subject, and whilst I quite concur in that part of the right hon. Gentleman's observations, I wish to take this opportunity of expressing my entire approbation of the selection which the Government has made in the appointment of a successor to Sir Joshua Jebb. No one could, perhaps, have been found more fit for the post than Colonel Henderson, and the Government may congratulate themselves upon the fact, that his opportune return from the scene of his labours in Western Australia placed his services at their disposal. In confirmation of the opinion I have expressed, I may refer to the documents laid on the table of the House this morning, in which we have a striking proof of the ability and skill of Colonel Henderson, in the shape of papers that do him and his colleagues credit. The first topic which the right hon. Gentleman touched upon was the subject of short sentences. He referred to the Act of 1857, and stated correctly, so far as my recollection goes, the causes which led to the changes which then took place. I had the honour to be a Member of the Committee, and was one of those who then supported, and pressed on the Government in the House, the necessity of devising some intermediate sentence between what was practically two years' imprisonment and seven years' transportation. The right hon. Gentleman has said the Royal Commission reported unfavourably of that experiment, and as one of those Commissioners, and at the same time one who was in favour of the experiment, I must avow that I agree in this. I think the short sentences have not answered well, but I think also that the right hon. Gentleman was correct in attributing the bad success of these short sentences to the unforeseen extent to which they had been resorted to in our criminal courts. I had no intention, nor was it ever expected, that the criminal courts should have acted on them to the extent they have done; and I will take leave to say that if hereafter the courts of criminal justice in this country—and in this I include the courts of assize—will pronounce their sentences in the spirit, as I think, of injudicious leniency, that has distinguished the administration of the criminal law in the last few years, it will become a matter of minor importance what system of punishment we adopt. I think the Government is quite right in adopting the principle recommended on this point by the Royal Commissioners, that the minimum period of sentences of penal servitude should be longer than it has been. I cannot take exception to the course that is proposed—to adopt five years instead of seven, because I found it my duty to move an Amendment to that effect. Although I was in a minority on that Amendment I had the satisfaction of receiving the support of the Lord Chief Justice, and I entirely approve of the decision of the Government on this point. I think they are right in abandoning the short sentences of three or four years, which are practically sentences for two years, the prisoner generally getting released in that time, and avoiding the great jump from two to seven years. The next and most important topic touched by the right hon. Gentleman the Home Secretary, was the decision of the Government not to act upon the recommendation of the Commissioners with respect to transportation to Western Australia on a greatly extended scale. I have always thought—and, notwithstanding the arguments we have heard to-night, I retain the opinion—that transportation is one of the most valuable and the best secondary punishments we can possibly adopt. But, on the other hand, although I have been a party to this Report, I am not sanguine that either in point of extent, or still less in point of duration, we can look to Western Australia as the quarter to which we can carry out permanently any extensive system of transportation that would meet the requirements of this country. Entertaining this view, I have watched with very great interest the agitation which has sprung up since the Report of this Commission was known in the older and Eastern colonies of Australia, respecting our recommendation of a greatly extended transportation to Western Australia, and I have been desirous to know from official sources what has been the real character of that agitation. I think the policy and the decision of the Government entirely turn on that question. Has it been a mere popular clamour—an idle passing cry, or a deep-rooted feeling among all classes of the Australian people? If it has been the latter, I must frankly say, I do not think that we can expect to derive from transportation to Western Australia any advantage which can make it worth our while to pay the price of anything like a serious difference with these great and flourishing colonies. It has been said, and said, I think, with a great deal of reason, that this cry on the part of the older colonies has been an exaggerated one—that they have taken an exaggerated view of the evils that might arise from extending transportation to Western Australia. I am disposed to concur in that view. But, on the other hand, in arriving at a judgment on this question, we are bound to consider, not only what may be our English objects and desires, but fairly to place ourselves in the position of the colonists. Well, the colonists contend that, great as is the distance between Western Australia and these colonies, still, looking to the recent exploring expeditions and to the increasing nature of intercolonial commerce, the difficulties of transit between them—the eastern and western colonies—will rapidly diminish. That, however, is a point of which I am not in possession of information enabling me to judge. But there is one consideration of which we can all judge, and to which we are bound to give due weight. I have seen it urged, as a reason why the Australian colonists ought not to take this strong view, that they date their own prosperity from convict labour. I think that is an incorrect representation. It is perfectly true that these colonies were founded upon convict labour; but from what epoch do they really date the unprecedented growth of their wealth and prosperity? Why, from the period of the gold discoveries, and the wonderful events which have distinguished the last twelve years. Their population has immensely increased during those twelve years from the influx of adventurers from all parts of the world, attracted thither by these gold discoveries. In that fact we may find a fair reason why the Australian colonies may at this moment view with a greater degree of jealousy than they could have shown at any former time any change of policy on our part tending to increase that convict element of which they have an undue proportion within their body. Although, therefore, I think that the colonial view of the subject is exaggerated, although I think that they entertain apprehensions which, though not altogether groundless, are indulged to an undue extent, I must say, I think Her Majesty's Government have exercised a wise discretion in not risking—for an object not commensurate with the evil it might entail—a quarrel with these dependencies, whose loyal spirit has been evinced to so remarkable an extent on recent occasions.

The hon. Gentleman the Under Secretary for the Colonies has stated to us grounds which we cannot dispute, indicating that the feeling in Australia is really deep-rooted and pervades all classes. And here I think we have some reason to complain of the manner in which the Government have supplied us with information on this important subject. I hold in my hand a correspondence (about which I had given notice of a question to-night) between the Colonial Office at home and the Governors of our Australian colonies. Upon these papers really turns the question whether the policy of Her Majesty's Government is right or wrong; and yet, up to this moment, I have never had any of them delivered to me, and I am entirely indebted to the courtesy of the hon. Under Secretary for being able to look at any one of them. It would have been better, also, if that very interesting document, Colonel Henderson's Report, had been furnished to us several days ago, instead of only this morning. Although this information must be the basis of our judgment, in the one case it is given to us at the eleventh hour, and in the other not at all.

The next point referred to in the right hon. Gentleman's speech was the great question whether or not we should adhere to the principle of remitting a portion of these sentences. I need not tell the House with what anxiety the Royal Commission considered this subject. It was a matter of deep regret to the Commissioners that the Lord Chief Justice and my right hon. Friend the Member for Oxfordshire (Mr. Henley), whose opinions are always entitled to so much weight, should have dissented from the majority on this point, and been unable to join in the Report. But, as one of the majority, I must say, that after the most careful consideration, I could not arrive at the conclusion that we ought to have no remission at all. In his memorandum the Lord Chief Justice says, "My persuasion is that punishment should be made as rigorous as is consistent with the health of body and mind." In that sentiment I entirely concur. The primary object of punishment is to deter from crime. The Lord Chief Justice further says—

> "The primary object of our criminal law is salutary punishment, such as may deter the criminal from offending again, and may exercise a deterring effect to prevent others from the commission of like offences."

There, again, I concur with the Lord Chief Justice. But if with that you can combine the scarcely less important object of reforming the criminal, to that extent I believe you will improve your criminal law. It is my conviction that a judicious system of remission, allowing to a prisoner a period of comparative liberty, during which the power of the law still hangs over him, but during which he may have every inducement and every opportunity of returning to honest courses, is the best method of attaining at once the punitive and the reformatory ends of a good criminal code. The Government, I think, have done wisely, therefore, in retaining the principle of remission; but I desire to express my opinion in favour of that principle, solely on one condition—namely, that the prisoner so permitted to be at large, while the sentence of the law is hanging over him, shall be subject to a just, wholesome, and proper supervision. The right hon. Gentleman rather complained that the language of the Royal Commissioners' Report was not so distinct as he would have liked on that point. Well, I beg to return the compliment to the right hon. Gentleman, for his own language upon the subject to-night was not so distinct as I could have liked, and to this moment I have not clearly collected what his intentions are. I hope, at all events, that we shall hereafter be safe from any return to that system of tickets-of-leave, which has excited so much well-founded alarm and dissatisfaction in this country. I beg leave to refer to the evidence given before the Commissioners by Sir Richard Mayne, the head of the metropolitan police. His answers to two of the questions put to him are worthy of notice. They were as follows:—

> "I think you say that, under the existing system, it is what may be called the reverse of supervision; that not only are persons holding those licences not under the inspection of the police, but the police are actually directed not to interfere with them?—That is so, except in some cases; they are distinctly forbidden to interfere with them except without my directions. I have given such directions, but in very few cases, when the previous circumstances, and the nature of the crime of which he had been convicted, and the employment he was then in, made me consider it my duty to let the party who was employing him know the previous character; but that has been very rarely acted upon."

Again, he is asked—

> "I think you stated that that principle is carried out so far that even in the case of the ticket-of-leave men frequenting suspected houses haunted by thieves, when the police see them and also thieves in the house they may warn the keeper of the house against the thieves, but they are not allowed to point out the ticket-of-leave men?—There is a distinct order given to the police to that effect."

SIR GEORGE GREY: The order was not given by me.

SIR JOHN PAKINGTON: Well, I am very glad to hear it was not. But here is the answer of the chief of the London police, and I hope the right hon. Baronet will forgive me for saying, if he did not know, he ought to have known it. We are discussing now how far it is possible for the police to exercise surveillance over the ticket-of-leave man; and here we find that they have been actually directed not to exercise it all. Take also the terms of the licence itself. It says if the holder associates with notoriously bad characters, or leads an idle or dissolute life, he will be at once apprehended and committed to prison. This condition has been entirely disregarded. The ticket-of-leave has been a dead letter; indeed, after reading Sir Richard Mayne's evidence, I may say worse than a dead letter. I hope we shall have no more of this in future. I hope that hereafter the action of the police will be in the proper direction, and that there will be supervision of these men. Did I understand the right hon. Gentleman to say this evening, that he thought the supervision of the police was impossible? That is the general impression, and, if it is the case, I, for one, judging partly from the experience of Ireland, and from what we all know of the duties performed by the police, cannot see any reason why their supervision is impossible. Allow me to call attention to a paper issued this very morning, and drawn up, I believe, by Colonel Henderson. The second article in this memorandum is in these words—

> "Every prisoner conditionally released will be placed under the supervision of the Prisoners Aid Society, or some other similar institution, or under the supervision of the police of the city or county in which he resides, as the directors may determine in each case."

I hope the right hon. Baronet, having to reply, will allow me to ask him to state rather more distinctly than he has yet done, what his intentions are upon this most important point of the future supervision of these men who are allowed to be at large. And here let me express my doubt, speaking cautiously, the paper having been delivered only this morning, as to the wisdom of that proposal to intrust the administration of any part of our criminal law to the action of the agents of a voluntary society. It will, I believe, be a great mistake. But I shall be glad to hear the explanations of the right hon. Gentleman. Does he or does he not concur with the recommendation of Colonel Henderson—that supervision shall be carried on by the agency of a voluntary society? I will not commit myself to any premature opinion, but certainly, on the first view of the proposal, it appears not wise or discreet; and I do hope, so far as I can now form an opinion, that any supervision which may be exercised over these men — and without supervision I trust there will be no system of licence at all—will be carried on by the police. I think it was recommended that there should be officers specially appointed for this purpose, but at all events the supervision should be intrusted to recognized and responsible agents of the Government, not to unrecognized and irresponsible agents of any voluntary society. There were other points, though of less importance, on which the right hon. Baronet touched, on which I should have liked to say a few words; but having detained the House so long I will conclude, Sir, by saying that, on the whole, with the exceptions to which I have adverted, I listened to the statement of the right hon. Gentleman with great satisfaction and with great approbation; and I shall be perfectly ready in its future stages to give the Bill the best consideration in my power.

Mr. CHILDERS, having also been a member of the Royal Commission, said, that he trusted he might be allowed to make a few remarks, particularly on the latter part of the proposal of the Government. He was certainly not disposed to undervalue the propositions of the right hon. Gentleman, with respect to remission and supervision. Those questions were very interesting, but he thought they would be more satisfactorily discussed on the second reading, when they were in possession of all the details of the measure. As a colonist, he desired to say a few words on the policy adopted by the Government as to transportation, compared with the course recommended by the Commission. Speaking as one of a very small minority, he must say he was not convinced of the value of transportation. He did not mean to deny that it had borne a very valuable part in our criminal code, but, as far as experience went, the statements of the noble Lord opposite (Lord Naas), as to its present deterring effect in keeping down the criminal class in this country, were, to say the least, exaggerations. But under most favourable circumstances, nothing could be more unsatisfactory than the history of our legislation as to transportation. The system for many years in force in New South Wales, under which that colony had flourished was the assignment system, a modified form of slavery during the sentence of the convict. This had been broken down by grievous abuses, and was finally condemned by Sir W. Molesworth's Committee. Government then partially stopped transportation, and short sentenced prisoners were kept in the hulks; but the accumulation which ensued was so dangerous, that the House of Commons passed a Resolution against it, in spite of the Government. Next followed the probation system in Van Dieman's Land, to carry out which a most excellent public servant (the late Sir Eardley Wilmot) was appointed Governor of Van Dieman's Land; but this again failed, and the crowded state of Van Dieman's Land, and the awful prevalence of crime there, brought about the system of conditional pardons, under which it was hoped that prisoners would be dispersed among the neighbouring colonies. Great difficulty arose with respect to the conditional pardon system, in consequence of the inhabitants of the neighbouring colonies protesting against the evil to which it exposed them. The Earl of Derby, then Lord Stanley, in 1845, instead of conditional pardons, under which convicts might be disseminated among all the Australian colonies, proposed to found a new colony of North Australia, to which all convicts, after they obtained their liberty, should be sent. That plan was adopted, but it only lasted for six months or a year. Another Colonial Minister came into office —the present Chancellor of the Exchequer—who condemned the establishment of North Australia, and accordingly it was determined to abandon that settlement. A new system was then tried, of sending out to all the Australian colonies freed convicts who had passed through public works at home, calling them exiles, with a hope that the colonies would receive them. It was found most objectionable that such men should be sent out freed from all control, and all the Colonial Governors condemned the plan. A new scheme was then tried of sending convicts to Van Dieman's Land, almost identical with the present system in Western Australia. That system had been justly praised, and the credit of it was due to Lord Grey. But the result was, that the convicts thus sent out spread themselves over the other colonies in search of employment, and an outcry arose which compelled the abandonment of transportation altogether. The small extent to which it had been possible to carry out transportation to Western Australia was not so satisfactory as to warrant them in extending the practice. What was it that was now proposed? He thanked the right hon. Baronet, on behalf of the colonies, for the concession which he had so far made, and also the Under Secretary for the Colonies for his remarks in support of this plan. It was something to stop the extension urged last year, and the abolition of conditional pardons was a right step. But surely they had evidence before them to show that that colony was not able to receive a large number of convicts, although it had expressed its willingness to receive some on certain terms. He had been struck at reading an account of the voyage of the ship *Merchantman*, which carried out 182 convicts to Swan River, there landed them, and then went on with cargo to Sydney. But she also took from Swan River to Sydney 240 passengers, so that she actually took away from the colony, where it was said labour was so much required, more than she brought. It was said that the outcry about that case had been exaggerated, and that instead of forty of the passengers being expirees and conditionally pardoned men, as the public journals asserted, only about thirteen or fourteen were so. The Return in the Parliamentary papers only gave thirteen. He doubted, however, whether the Government, with all the pains it took, could be sure that out of 240 persons only thirteen had been prisoners. But the departure of these convicts was not the only evidence of the state of the labour market. The arrival of a single shipload, entitled soon to their tickets-of-leave, had created a panic, and according to the last accounts there were more than one hundred men in the depôt awaiting tickets-of-leave when they could obtain employment. That was sufficient proof that labour was not required in that colony to the extent some persons thought. With respect to the efficacy of transportation as a deterring agency, they had the positive evidence of Sir Joshua Jebb before the Committee of 1861, that it was now ineffectual. Even in the papers laid before Parliament to-day, Captain O'Brien said, that if transportation were to be continued, it was necessary that convicts should be sent off as soon as they had undergone their term of separate confinement; and he said, that this was the only way "to deprive transportation of the charms which it undoubtedly possessed in the eyes of the majority of the convict class." The mystery thus created would, according to Captain O'Brien's opinion, have a more deterrent effect, which was necessary "to counteract the brightness of transportation to a colony which was the El Dorado of an old convict." There was, therefore, good authority for doubting the efficacy of transportation as a deterring agency. The Under Secretary for the Colonies had quoted the Amendment moved by him (Mr. Childers) in the Report of the Commission, to the effect that transportation might be carried on to a limited extent until the changes recommended by the Commissioners had been fairly tried. That was a compromise which might have satisfied the colonists and obviated the present agitation. The question now stood upon a different footing. The colonists found that the result of the inquiry conducted by a Royal Commission, composed of several of the most distinguished men in the country—gentlemen who belonged to former and present Governments, Judges of the land and two ex-Chancellors—was an almost unanimous recommendation that transportation should be largely increased. Finding that to be the case, they wished, however gladly they might receive the announcement of the right hon. Gentleman, to get rid of the very source of danger, and would not be satisfied until they had an assurance, that within a limited time—he would not say at once—transportation should be abolished. The case of the colonists, he might add, was not based upon mere sentiment or idle panic; at bottom it rested upon a good foundation; and they not unnaturally hoped to see the whole of a free continent settled upon by a free people, with the stigma of transportation removed.

Mr. NEWDEGATE said, the hon. Member who had just addressed the House had expressed the Monroe doctrine of the Australian colonists, who had, during the last twenty years, been very efficiently represented in that House and in the country. He never knew an instance in which the concentration of agitation had acted more powerfully in contravening the legitimate control of the public opinion of this country. He stood there as the successor of Sir Eardley Wilmot in the representation of Warwickshire, whose name and conduct had been alluded to by the hon. Member who had just sat down. He had the honour of knowing Sir Eardley Wilmot and of knowing his son—a person of great ability and an eminent lawyer. There could be no doubt that the system of transportation to Van Dieman's Land broke down during the period of Sir Eardley Wilmot's administration—and why? Because a system of colonial agitation had commenced five or six years before, and the area in the several colonies available for transportation had been thereby so contracted, that one after another these colonies were overcrowded with convicts, until the system broke down. When he heard that failure in some degree attributed to a person of such great ability, and a most excellent public officer, he trusted the House would forgive him for explaining the real cause of that failure.

Mr. CHILDERS begged the hon. Gentleman's pardon. He had not attributed the failure to Sir Eardley Wilmot in the smallest degree.

Mr. NEWDEGATE said, he begged to apologize to the hon. Member if he had misunderstood him. The House would see, in the action of this agitation, the power of organization. For years in the press, in the House, and in the Government, the objections of certain persons in the colonies had had a power upon the legislation of this country which was utterly undue to the natural feelings of the colonists; and the effects of this agitation had produced the very evils for which transportation had been condemned. The same action was at work still. What was the demand now? That of the whole of a vast continent, forming part of Her Majesty's dominions, in no one single corner should the Government dare to form a penal settlement. The people of England were kindly disposed towards those whom they looked upon as their children in the colonies. They had met every demand—they had to their own detriment abandoned the system of transportation, which, until it was cramped by undue concession to this agitation, had succeeded. But he hoped that the House, as the representative of the English people, would remember that justice and charity begin at home, and that if we were to be at the expense of defending the Australian colonies from foreign aggression, we ought to be at liberty to find in those dominions of Her Majesty on that continent, which was, he believed, somewhere about 2,600 miles in breadth, and between 2,000 and 3,000 miles in length, a sphere in which we could locate those who had lapsed into crime in this country, that they might there have the means of self-recovery from a state of degradation. The House had before it the humble petition of Western Australia, in which she prayed that she might be furnished with the same means of developing her strength that had made her sister colonies prosperous from the outset. These other colonies, however, acting on the agitation which had been raised, came here and demanded that the means of carrying out public works, the means of making roads and bridges, and of establishing ports, by which they had grown up, should be denied to Western Australia. He did not deny that there had been an abuse of a good system, but that abuse had grown out of the unwise contraction of the sphere for that system. The people of the Eastern colonies, however, not content with preventing transportation from being established within their own proper territory, claimed a similar exemption for a territory which was at a great distance from them, and which was independent of them. This unreasonable request was one against which the people of England would, he believed, strongly protest. It was said that Western Australia was deficient in resources. Now, he had it from authority, which he could not doubt, that such was not really the fact. He would not trouble the House with all the details of the growth of that colony; but if ever there was a refutation of the Malthusian theory it was to be found there, for civilization and cultivation, and the means of support, and all the elements of strength, had multiplied in proportion to the additional hands sent out to develop them. He had the authority of Mr. Hargrave, a scientific officer employed by the Government, for saying, that in no part of the world could there be found more valuable timber — timber which would resist the attack of the white ant and the seaworm; that Western Australia possessed the richest copper ore in the world; that she possessed great resources in salt; that she was capable of vine and orange cultivation; that she had pastures on which cattle and horses could be produced to an enormous extent. It was, therefore, to be regretted that the prayer of the inhabitants of that colony to be furnished with the means of developing these means of material wealth, those materials had been met by the Government only to the extent of saying that there was at present no intention of diminishing the supply of labour. Nor was the circumstance to be regretted less on the part of the English people. They had been gratified by the result of the labours of the Commission; they felt that they had dwelt in safety under the prospect held out by the Report of that Commission; that hereafter means for the transportation of convicts would be found; they had felt safety under the combined opinion of the men selected to judge of the necessities of the country, and of the possibility of meeting them by means of transportation, they believed the system should be continued. He could not conceal from the right hon. Gentleman that a feeling of disappointment would be experienced. The people of England desired, and the people of Western Australia hoped, that the system would be extended, as much for the benefit of the mother country as of the colony. He did not believe that, because the agitation against the modern system of convict discipline was not so rife as when hon. Members were garrotted on their way home to the West End, that therefore the opinion of the people of England had changed, or that their conviction of the necessity of transportation had diminished. The opinion of the late Duke of Richmond, who was one of the first appointed Commissioners for the experiment conducted at Pentonville, was, that transportation must be resorted to for the safety of society here, and the well being of the colonies. At one time the late Sir Joshua Jebb, with whom he had been well acquainted, was of opinion that transportation need not be restored in order to secure the safety of society in this country and the well being of the colonies; but he (Mr. Newdegate) had a long conversation with him only ten days before he died, in the course of which he showed that he had changed his opinion. He then said that he was convinced that he could not continue to deal with the accumulation of convicts which he had upon his hands, and added that, although the Irish system appeared to be successful, it could only succeed in combination with a police system such as that which existed in Ireland, to the establishment of which merely for the sake of looking after released criminals he was sure that the people of this country would never consent. He said—"You may attempt to hold out the hope of freedom to the convicts, but if you are to give them in this country the freedom which you could allow them in a colony, you must abandon the supervision which you desire." He repeated—"Therefore my opinion is changed. I rejoice that a considerable number of convicts are on their way to Western Australia, and I believe it to be the opinion of the Commissioners and of the Government that that system ought to be continued."

He (Mr. Newdegate) thought some injustice had been done to the Judges in this matter. He remembered the time when the Judges unanimously warned the country of the evils which would result from the abandonment of transportation; but the Government and the Legislature rejected their warning. Soon after it pleased that House to contract the period of penal sentence. That placed the Judges in an inconvenient position. They did not approve of the change, but they were compelled to conform to it, though they acted in the spirit of the law. Was it then fair to turn round now upon the Judges of the land with reference to a system which was never expected to succeed? Then came the garrotting, and the agitation which was the consequence of it. Under the pressure of necessity, the Judges certainly changed the discretion under which they had acted, and enforced a system of severity which, though within the law, was a straining of the law which their judgment condemned. He could conceive nothing worse than that when a criminal was placed at the bar and convicted by a jury of a certain crime, the penalty assigned him should not have reference to his actual criminalty, but should be rendered exceptional, because the public were alarmed by a system of terrorism. That certainty, that inflexibility, that justice and security in the administration of the law, as it had descended to them from those who were the real founders of their freedom, ought not thus to be tampered with. These were grave questions, and, although he thought that Her Majesty's Government had shown a certain degree of firmness in carrying out the recommendations of the Commissioners, he lamented that in the matter of transportation those recommendations had been clipped. As the representative of no small number of Her Majesty's subjects he repudiated the idea that at the dictation of any, however influential and numerous, bodies of colonists, this country should be deterred from seeking an outlet for her criminals, when she knew that their emission was, to use an expression once employed sarcastically, "for their country's good," no less than for their own reformation. He believed that the public opinion of this country was opposed to that of these colonists. He thought that the system of remission was very dangerous, for it entailed the exercise of arbitrary discretional power, which was beyond the perview of English law in the legitimate sense; it introduced uncertainty into punishment, of which they had recently had an instance, and formed a precedence that he trusted would never be repeated in this country.

Mr. MARSH said, that having been intimately connected with the colonies, especially with Queensland, he had been pleased to hear the remarks which had been made by the Under Secretary for the Colonies, and he fully bore out his assertion that it was, under the circumstances, impossible to send convicts to Australia. They could not violate public opinion beyond a certain point, and, although the fears of the colonists had been somewhat exaggerated, there were some grounds for them, and it was impossible that it should be withstood. Not only could no greater number of convicts than were now despatched be sent to Western Australia, but the time must come when the transportation of convicts to that colony must cease altogether. There were, however, many other places to which they might be sent. We do not want a Garden of Eden for our thieves, and among other places he thought that the Falkland Islands, though no doubt a windy situation, was one very suitable for them. All that was wanted was a place where a man could, by a hard day's work, earn an honest living; and, as far as his experience, which was rather extensive, went, that could be done in most parts of the world. The immense amount of our expenditure upon gaols and convicts, which had increased £600,000 within the last thirty years, called for some reform much more sweeping than was contemplated by this Bill. The fact was, that the attempt to reform criminals in gaol had been a failure. When convicts from the model prisons first went to Australia, they imposed upon the people there, but they were soon found out, and one of the bishops recorded his opinion that they were worse than those who came direct from the dockyards. Prisoners learnt nothing good in gaols, and the kindest thing, both to them and to the public, was to make gaols places of punishment. A friend of his who had charge of a stockade in Australia—a place where a chain-gang worked—told him that when a man came to him with a complaint his reply was, "My good man, you did not come here to be happy," and no man ever returned to the stockade. Was not that real kindness, both to the thieves and to every one else? The real object of a gaol was punishment, and to deter persons from committing offences. To attain that object severity—not cruelty, but proper severity, was absolutely necessary.

MR. WALPOLE: Sir, everybody must admire the thoughtful and careful and temperate way in which this important question has been discussed to-night. Many observations were made which hon. Members will do well to carry away with them, but there were none which they will do better to bear in mind than the observation with which the hon. Member for Bedford closed his speech—namely, that this is a question which ought to be most deliberately considered and most carefully determined; and when Parliament has once decided what is best to be done, it is one which it will not be advisable constantly to be re-opening. With that end in view I have endeavoured to fix in my own mind the main points of the systems which have been advocated to-night. One was that which was embodied in the Bill of the Secretary of State. The other was that proposed, with his usual ability, by my right hon. Friend the Member for North Staffordshire (Mr. Adderley), who if he failed to convince the House upon some points of his address, failed, I believe, because he has not so carefully addressed himself to them as he usually does. The system proposed by the Secretary of State is the system we are acting upon now, with alterations to be introduced on the recommendations of the Commissioners. Bear in mind the great principle on which that system is founded. It is that there shall be a distinction between the ordinary imprisonment for minor offences and the punishment for greater crimes which is called penal servitude. Penal servitude involves three distinct stages, combining the deterring effect of punishment with the wholesome tendencies of reformatory discipline. The first stage—that of solitary confinement—is described by all convicts as the most penal part of all that they have to undergo. As they describe it themselves, "it makes a man look through and through his life." You then take the convict to the public works, in order that he may be associated with labour, so that when freed from his prison he may have acquired some of those habits of industry without which he cannot afterwards succeed. Then you have the third stage of transportation, which has not, I think, been rightly described as a deterring part of the punishment. It ought never to be lost sight of, that if you can maintain this system of transportation you rid the mother country of those who would only go back to bad associates to commit further crimes; and you do this for the good of the convict himself, who after his period of punishment is over has some chance in a distant scene of righting himself—and many have righted themselves in the world, and you give to colonies who are able and willing to take the convicts the same advantages of labour which largely benefited the other portions of Australia. Such is the system embodied in the Bill before us. What is the system which my right hon. Friend the Member for North Staffordshire would substitute for that of the Secretary of State? As I understand him, he would have punishment sharp and short—no remissions and no conditional licences. My right hon. Friend will forgive me for saying that he has looked only at one of those motives by which human conduct is regulated, and he has totally forgotten the other. Man in all stages and conditions of life is operated upon quite as strongly—perhaps more strongly—by the encouragements of hope than by the deterring effect of fear. If you confine your punishments to deterring alone, to operating on the fears of the criminal, and to debarring him from hope, you will only harden, debase, and brutalize, and you will turn him out of prison a worse man than he went in. Again, I think my right hon. Friend a little lost sight of the undue number of criminals which his short and severe punishments would throw upon society, without the chance of improving or reforming them by any of those processes which are now in operation. And I own I felt more surprised at this argument coming from my right hon. Friend than if it had proceeded from almost any other person in this House, because there is no one in this House or out of it who has taken so much interest and bestowed so much pains on the reformation of the juvenile criminals of the country. As at present advised, I cannot agree that the plan which my right hon. Friend would substitute for the system we are now acting upon is a plan really preferable.

What, then, can we do better than endeavour to amend the system we have got, which I believe to be founded on right principles? If I understand correctly the plan on which the Government intend to act, there are these five distinct propositions. First, that transportation shall not be extended further than it is carried at present; secondly, that penal servitude shall be increased; thirdly, that the remission of portions of sentences shall still be allowed; fourthly, that conditional licences shall be continued; and fifthly, that if these conditional licences are abused by the convict to whom they are given, he shall be remitted to the whole of his former sentence. Upon the first of these great points I agree with very much of what has fallen from my hon. Friend the Member for North Warwickshire (Mr. Newdegate); I also agree with what has fallen from my right hon. Friend the Member for Droitwitch (Sir John Pakington), and others, that it is a great misfortune that the southern and eastern colonies of Australia should, as I think, somewhat over hastily have endeavoured to deprive their sister colony in the same great continent, should also have endeavoured to deprive the mother country, and the convicts themselves, of the system which, for all these three, had been found to act so beneficially. I think the Commissioners were entirely right in their recommendation, and I believe it would have been wise to carry their recommendations into effect, if it could have been done without exciting a commotion in the colonies. In the face of the excitement which has been awakened, I quite agree that the Government could not force a system of transportation upon them at the present moment; but I hope, at some future period, when the colonies better understand the grounds on which their decision has been arrived at, some extension in that direction will be possible.

I turn now to the next point. The duration of penal servitude is to be prolonged from a minimum duration of three years to a minimum duration of five years. I think it right that the House and the country should well understand the importance of that alteration. A year ago the country was alarmed with the prodigious increase of crime, especially of crimes of the graver descriptions. It was difficult to trace the causes of that increase; but the country, I think, hastily jumped at the conclusion that it was all owing to the tickets-of-leave. If the people had been cognizant of the facts brought before the Commission at the time they formed that opinion, I am sure they would have arrived at a different conclusion. For what were the facts? Transportation ceased in the year 1853, and in 1857 there was another change, when penal servitude was for the first time reduced to three years. Crime went on steadily diminishing from 1854 to 1860 and can anybody believe, when such was the case, and when some of the worst convicts were thrown upon society during that period, that tickets-of-leave were the cause of the sudden increase of crime from 1860? There were only two things to which I believe you can attribute the increase of crime in the years 1861, 1862, and, I am sorry to say, I believe I must add, in 1863. There was an increase of crime in Ireland, mark you, as well as in England, so you cannot base any argument upon the difference in the two systems. First, in Ireland, there was a great deficiency in the agricultural crops, leading to great depression and great distress, always accompanied or followed by crime; and next, in England, great pressure was suddenly brought upon the trading interests of the country, the results of which were exhibited in the falling off both of exports and imports. You cannot have great pressure on the trading interest without a concomitant distress, occasioning diminution of employment, and you cannot have diminution of employment without an increase of crime. Another cause to which I believe the increase of crime is owing is the diminution of the punishment of penal servitude down to three years. The diminution of punishment was concurrent with the increase of crime, and, looking at the statistics, it is hardly possible to believe that the two are not connected together. Nothing can be wiser on the part of the Government than extending the minimum punishment from three to five years, and that I believe will have a great effect in diminishing the number of criminals.

Having disposed of two, let us now go to the third point. The third point, which will no doubt be much debated in this House, is the remission of part of the sentence, consequent, I suppose—for here I hardly followed the right hon. Gentleman —on industry exhibited in the prisons or on the public works. For the same reason —the keeping up the motive of hope, as operating on the minds of men equally with the deterring effect of fear—I am in favour of the remission of a portion of the sentence if it be proved that the convict deserves it.

The next point is the conditions of discharge. I agree with the right hon. Gentleman, and with much that has been said by other Gentlemen on the subject, that there are enormous difficulties in the way of supervision. I cannot conceive anything which can have a worse effect than to put the convicts under the police of this country. But I think, at the same time, there is a mode of supervision which may be useful, and this I throw out as a suggestion for the consideration of the Government. It is a mistake to suppose that when a convict has a portion of his sentence remitted, and is let out of prison on a conditional discharge, it is not known where the man goes. I speak from experience, and I have no doubt the practice is continued in the Home Office. I believe that in almost every instance inquiry is made beforehand as to the place to which the criminal is to go, and as to the probability of his friends receiving him on his gaining employment. He is paid the money he has earned by instalments. He is paid one portion on being liberated, and other portions on application afterwards. What I wish to suggest to the Government and the House is, that they should be required, as long as they hold a conditional licence, to report themselves to the police, without being placed under supervision. If they do that without publicity there is nothing to prevent their obtaining employment, and the police would be enabled to know whether they were observing the conditions of the licence. I think it might operate beneficially, and at all events it is worthy of consideration.

The last point is most important, and the right hon. Gentleman has very properly laid great stress on it—that the convict let out on this conditional licence, if he commit a new offence, is not to go back simply for that part of his term which is then unexpired, but for the whole term of his original sentence. He ought to be regarded as having abused the Crown's mercy, as having forfeited the condition on which that mercy was awarded, and as deserving the infliction of the whole of his punishment again. That was the recommendation of the Royal Commissioners. It is the recommendation adopted by the right hon. Gentleman, and no part of his observations met, I think, with more cordial approbation. Believing that the system upon which our convict system is based is really right and sound in itself, believing that it will not be improved by a different system recommended by the right hon. Gentleman the Member for North Staffordshire, and believing that it will be greatly improved by the suggestions made known by the Government, I, for one, cannot but give my cordial approval to the Bill which the right hon. Baronet is about to introduce. I may be allowed to throw out one further suggestion. It is one which I made in 1853, when transportation was abolished and penal servitude introduced. I pressed it on the Government then, and I believe the noble Lord entertained it favourably, though he found it difficult to act upon it. I ventured to recommend two rules in the strongest manner. One was that if the Crown's mercy were abused, the convict should undergo severer punishment on that account. The other was—and in it I had the concurrence of my noble Friend the Earl of Derby—that we ought to obtain some penal settlement near England in an insular position (there was one then which might have been bought for a small sum), to which we might send at once the worst criminals, to be treated more severely than on public works, and where they might be confined more severely, and know they would be treated more severely, if they ventured to abuse the mercy of the Crown. I believe that is a matter not of legislation, but of regulation, and that, superadded to these suggestions, it would make our system as good as any system which can be devised. I believe it would act in deterring criminals from crime in future, and in inducing others to pause before they committed crime. At the same time, I would not neglect what to my mind ought never to be lost sight of, though it should be in a subordinate degree to the deterring effect of punishment, —namely, something of the reformatory process, lest our convicts should be worse when they leave our gaols than when they go into them. I would have the beautiful inscription which was placed over the Român prisons written on every gaol in England — *Parum est improbos coercere pœnâ, nisi probos efficias disciplinâ.* With these observations I shall cordially support the measure of the right hon. Gentleman, and I hope it will answer all the expectations with which it is introduced.

SIR GEORGE GREY said, he wished to express his gratification at the manner in which the subject had been discussed, and the general concurrence of hon. Members in the principles of the Bill. He regretted that pressure of business had prevented the papers being presented sooner to the House. It was only with difficulty that he had secured their circulation that day. The right hon. Gentleman (Sir J. Pakington) who had treated the subject with so much fairness, had, no doubt, not had time to read them through, because if he had he would have found in the latter part the more deliberate opinion of Colonel Henderson with regard to supervision than the passage which he had quoted. He admitted that the question of supervision was the most difficult part of the subject. The Commissioners seem to have felt this. They did not propose police supervision. This point was distinctly raised by an Amendment moved on the paragraph relating to supervision, the object of the Amendment being to recommend police supervision. That Amendment was negatived on a division by eight to five. If a system of police supervision over ticket-of-leave men were established, it would be necessary to confine them within some restricted limit. With regard to prisoners liberated in London with conditional licences, it was proposed that they should be seen by the police before they were discharged, and that a photograph of each should be taken and sent round to the metropolitan police stations. Convicts belonging to other parts of the country were to present themselves to the head of the police in the towns in which they resided within seven days, on pain of forfeiting their licence. It was very much the habit of convicts to go back to the place from which they came. If periodical reports were insisted upon, however, the man would be prevented from obtaining employment and would be driven back into crime. During the war many ticket-of-leave men enlisted into the army, but if periodical reports were made they would be turned out of the regiment as soon as it was known. An attempt would be made by means of the Prisoners' Aid Society to do what had been effected for discharged prisoners by Mr. Organ in Ireland. If a discharged convict were willing to place himself under the society, the Government would pay the gratuity to the Society to be expended for his benefit. The society, which would then look after him for a certain period, had prevented large numbers from falling into crime, and had put them in a way of getting an honest livelihood. As to cases of life sentences, each claim for remission would be decided on its merits, and prisoners under sentence of life would not be entitled to the benefit of the regulations as to remission applicable to other cases.

Motion *agreed to.*

Bill to amend the Penal Servitude Acts, *ordered* to be brought in by Sir GEORGE GREY and Mr. BRUCE.

Bill *presented,* and read 1°. [Bill 23.]

WEIGHTS AND MEASURES (METRIC SYSTEM) BILL.

Bill to render permissive the use of the Metric System of Weights and Measures in this country, *ordered* to be brought in by Mr. WILLIAM EWART, Mr. ADDERLEY, Mr. COBDEN, and Mr. FINLAY.

Bill *presented,* and read 1°. [Bill 24.]

House adjourned at
Twelve o'clock.

HOUSE OF LORDS,

Friday, February 19, 1864.

Their Lordships met, and having gone through the business on the Paper without debate,

House adjourned at a quarter past
Five o'clock, to Monday
next Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 19, 1864.

MINUTES.]— SELECT COMMITTEE — on Poor Relief, *appointed.** (*List of Committee.*)

SUPPLY—*considered in Committee*—Committee * —R.P.

PUBLIC BILLS—*First Reading* — Land Drainage (Provisional Orders)* [Bill 25]; Inclosure * [Bill 26]; Cattle Diseases Prevention* [Bill 27]; Cattle, &c., Importation* [Bill 28].

Second Reading — Bank Acts (Scotland)* [Bill 16].

Committee—Insane Prisoners Act Amendment [Bill 4].

Report—Insane Prisoners Act Amendment.*

THE "ALABAMA"—CAPTURE OF THE "MARTABAN."—QUESTION.

Mr. G. S. LEFEVRE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is true that a British Ship, the *Martaban*, has been captured by the *Alabama*, and burnt by order of its captain; and, if so, what steps the Government are taking to obtain reparation, and to prevent the repetition of such outrages?

Mr. LAYARD said, in reply, that as yet no information had been received by Her Majesty's Government; the only information they had on the subject was obtained from the public newspapers.

AFFAIRS OF MEXICO.—QUESTION.

Mr. SOMERSET BEAUMONT said, he also wished to ask the Under Secretary of State for Foreign Affairs, if any communications have been addressed, during the recess, to Her Majesty's Government with the view to a recognition of an empire in Mexico; and, if so, whether he will lay them upon the table of the House.

Mr. LAYARD said, in reply, that no such communications had been received by Her Majesty's Government. Her Majesty's Government had hitherto declined to express any opinion on that subject.

REPORT OF THE COMMISSIONERS ON ROYAL ACADEMY—THE EXHIBITION BUILDING.—QUESTION.

Lord ELCHO said, he rose to ask the first Commissioner of Works, Whether the Government have taken any, and, if so, what steps to give effect to the recommendations of the Royal Commission on the Royal Academy; and, when the removal of the whole of the late International Exhibition Building will be completed, and what is intended to be done with the site?

Mr. COWPER: Sir, the Royal Commission, which was moved for by my noble Friend, recommended several alterations in the constitution and mode of proceedings of the Royal Academy; and it appeared expedient to the Government to ascertain the views entertained by the Royal Academy on these questions, and they were directed to consider the subject, and report on it to Her Majesty. I understand the Royal Academy have been in deliberation on the subject for some time, but hitherto they have made no Report. With regard to the second part of the question—the site has not yet been cleared of the building. There has been very considerable delay, and the Government have made remonstrances to Messrs. Kelk and Lucas, but at present the removal of the building is going on rapidly. But I have not received from Messrs. Kelk and Lucas any assurance as to the period at which the land will be entirely clear of the work now in progress. Preliminary steps have been taken towards the decision as to the building hereafter to be erected on that site. I have invited a competition of architectural plans and designs of the buildings hereafter to be erected, and they will have reference to the ultimate disposal of the whole site.

EXPORT DUTY ON RAGS.
QUESTION.

Lord STANLEY said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government is in communication with any Foreign Powers with a view to the reduction or abolition of the Export Duty imposed by the latter on rags; if so, with what powers; and whether there will be any objection to an early production of the Correspondence?

Mr. LAYARD said, he could assure the noble Lord that the subject, which was of no slight importance, had not been lost sight of. Her Majesty's Government were now in communication with France, Prussia, Russia, Austria, Spain, Portugal, Holland, Hanover, Baden, Wurtemburg, Hesse, Saxony, Darmstadt, Oldenburg, and other countries on this subject; and as negotiations were still going on, the Correspondence was not yet ready to be produced.

THE CHARITY COMMISSION—SALARY OF THE SECRETARY.—QUESTION.

Mr. FERRAND said, he rose to ask the First Commissioner of the Charity Board, In what Act of Parliament the Clause is inserted which increases the salary of the Secretary from £600 a year to £800; and, whether public notice was given to the House that such Clause was intended to be inserted?

Mr. LOWE: Sir, I informed the hon. Gentleman the other night that the Clause referred to was to be found in the Charity Commission Act, passed in the year 1860, and I had hoped the hon. Gentleman would have been good enough to look it out for himself. But as he has not taken the trouble to do so, I will inform him that it is to be found at the 22nd section of the 136th chapter of the 23rd and 24th Victoria. As to the second part of the question, whether public notice was given to the House that such a Clause was intended to be inserted, I really cannot take upon myself, after a lapse of four years, to say what notice was given. The Clause was in the statute-book, and I presume it came there in the ordinary manner. I may add, that I consulted the late Sir George Lewis, then Home Secretary, who entirely concurred with me in thinking, as did my right hon. Friend the Chancellor of the Exchequer, that as the Secretary was holding an office of considerable difficulty, having large amounts standing in his name as Trustee, he was underpaid at £600 a year. The hon. Gentleman said the other night that I had, in a private conversation with a Member of this House, expressed myself unfavourably with respect to the Charity Commissioners, and had expressed a wish that an Act should be brought in to check their frauds. I regret that I did not notice the statement at the time; but I wish now to state most distinctly, that I never in my life had any conversation with any Member of this House, or any one else, in which I applied these terms to the Charity Commissioners, of whom I entertain the highest opinion, as being among the most industrious, able, and honest of Her Majesty's Servants.

Mr. FERRAND: I hope the House will allow me to say—["Order"]—I never made such a statement. ["Order."]

CIRCUITS OF THE JUDGES—THE NORTHERN CIRCUIT—THE WEST RIDING CIRCUIT.—QUESTION.

Mr. MORRITT said, he would beg to ask the Secretary of State for the Home Department, Whether it is finally decided that the Assizes should be moved from York to any other place?

Sir GEORGE GREY said, in reply, that no final decision had been come to on this subject; and that no decision had been come to, or opinion expressed, that the Assizes should be removed from York. Even if Assizes were held at any other place, Assizes would still be held at York for the larger portion of Yorkshire. What had taken place was this:—Several memorials had been presented to Her Majesty from towns in the West Riding of Yorkshire, praying that Her Majesty would, in the exercise of her powers, constitute the West Riding of Yorkshire into a separate Assize District. These memorials had been referred to a Committee of the Privy Council, and they had reported that they recommended to Her Majesty that separate Assizes should be held in that part of the county of York called the West Riding, but no final decision could be come to until the Order in Council had been made.

GOVERNMENT ANNUITIES BILL.
QUESTION.

Mr. H. B. SHERIDAN said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is his intention to proceed with the Government Annuities Bill this evening; and whether, considering that the Title of the Bill does not fully convey the real objects of the Bill, and that the Bill hitherto has passed through two stages without being fully understood; and further, considering the great interests affected by the proposed alteration of the Law, he would have any objection to postpone, for a short time, the further consideration of the measure?

The CHANCELLOR of the EXCHEQUER, in reply, said, he had no objection whatever to postpone the further consideration of the measure for a short time. He was very sorry that the object of the Bill had not been understood, because it was of a simple character, and he considered that he had been careful to explain to the House upon its introduction its nature and provisions. But as the Bill had not been long before the House, he had no objection to postpone the Committee on the Bill until Monday week.

UNITED STATES—THE "SAXON"—MURDER OF MR. GRAY.
QUESTION.

Mr. SEYMOUR FITZGERALD said, he wished to renew a question he had put the other night to the hon. Gentleman the Under Secretary of State for Foreign Affairs, Whether he will be kind enough to inform the House what is the date of the Despatch addressed by Her Majesty's Government to the Government of the United States with reference to the murder of Mr. Gray, and the date on which it was sent out? At the same time, he begged to ask another question. There were some Papers which he had moved for on Friday last relative to the case of the *Margaret and Jessie,* and other vessels, which the Government refused to produce to the House. Since then, the noble Earl the Secretary of State for Foreign Affairs had consented in the other House to the production of these Papers. He now begged to ask, Whether diligence would be used to place these Papers on the table of the House? With reference to the case of the *Saxon,* his Motion for Papers would extend only to the murder of Mr. Gray, and not to the capture of the prize.

MR. LAYARD said, in reply, that the first information relative to the murder on board the *Saxon,* was received by Her Majesty's Government, towards the end of December, but the depositions were not received from New York until about the 20th January. They were immediately sent to the Law Officers of the Crown. Their Report was received on the 30th, and the same afternoon instructions were sent to Lord Lyons to ask for such redress as we were entitled to from the American Government. But before the receipt of any instructions Lord Lyons had already communicated with Mr. Seward on the 30th of January, and Mr. Seward ordered an inquiry to take place, and the last information received was that that investigation was now going on. With regard to the second question, the hon. Gentleman was slightly in error with regard to what Earl Russell promised to give the other night. He promised that a certain list of claims should be laid on the table of the House. Of course, there was no objection on the part of the Government to give a list of all claims, but the difficulty was with regard to the claims of persons who could not be included in the list, as they might be prejudiced by their omission. There was no wish to withhold any of the Papers, and of course the Papers produced to the other House would be laid on the table of that House; but he believed that Earl Russell had not consented to the presentation for the present, of the papers relating to the case of the *Margaret and Jessie.*

BANK ACTS (SCOTLAND) BILL.

QUESTION.

SIR EDWARD COLEBROOKE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he means to proceed with the second reading of the Bill that evening?

The CHANCELLOR OF THE EXCHEQUER, in reply, said, he did intend to proceed with the second reading. As he did not anticipate any discussion on this stage of the measure, he would fix the Committee for a distant day, and that would give ample time for discussing the general provisions of the Bill.

JAPAN.—EXPLANATION.

MR. AYTOUN said, he wished to offer an explanation with reference to an expression which fell from him in the course of the debate on the Motion of his hon. Friend the Member for Maidstone (Mr. Buxton), on the subject of the attack on Kagosima. Speaking of an affair in which Mr. Moss was concerned, he had used the word "crime" with reference to his conduct. He had since received a letter from that gentleman stating, that in the course of the affair spoken of the gun had been discharged accidentally, and not by orders. He therefore regretted having made use of the above expression.

MR. AYTOUN said, he would beg to ask, If the Government will lay on the table the Papers relating to the case of Mr. Moss, in Japan?

MR. LAYARD, in reply, said, there was no objection to produce the Papers, except that they were utterly useless, and would put the country to a large expense. He could not conscientiously do it, unless the hon. Gentleman prevailed upon the House to consent to a Motion for their production.

THE CHARITY COMMISSIONERS.

EXPLANATION.

MR. FERRAND said, he begged to move the adjournment of the House in order to defend himself from the attack which had been made on him by the right hon. Gentleman opposite (Mr. Lowe). What he (Mr. Ferrand) had stated was this, that the right hon. Gentleman had told an hon. Gentleman, a Member of the House, that he (Mr. Ferrand) had been right in opposing certain proceedings of the Charity Commissioners in his (Mr. Ferrand's) own neighbourhood; that the Charity Commissioners were wrong, and that the Government were about to bring in a Bill to put a stop to the frauds of which he had complained. Having made that statement, he would beg to withdraw the Motion for the adjournment.

DENMARK—THE DANISH PAPERS.

QUESTION.

LORD JOHN MANNERS said, he wished to ask, When it is probable that the Danish Papers will be presented?

MR. LAYARD said, in reply, that not a moment of time was being lost. He believed the Papers would run to between 600 and 700 folio pages, but he would get them ready as soon as possible.

LORD JOHN MANNERS said, he must remind the hon. Gentleman that the Government had promised to furnish the Papers by instalments.

DENMARK AND GERMANY—THE PROVINCE OF JUTLAND.

QUESTION.

MR. NEWDEGATE said, he would beg to ask the First Lord of the Treasury, Whether, in the event of the Austrian and Prussian Forces entering, or proposing to enter Jutland, Her Majesty's Government will not consider such action or intention as inconsistent with the plea upon which the German Forces have entered Holstein and Schleswig, and, therefore, requiring more energetic and decisive action, diplomatic or otherwise, on the part of Her Majesty's Government in the sense of the Treaty of 1852?

VISCOUNT PALMERSTON: Sir, we have no authentic account of an intention on the part of the Austrian and Prussian troops to enter Jutland. I have seen a statement in the newspapers to that effect. No doubt any entrance into Jutland by the Austrian and Prussian troops would be an aggravation of that violent outrage—which, in our opinion, they have committed in entering Schleswig —a step involving a great sacrifice of life and shedding of blood for which those two Governments are deeply answerable. So far as to the first part of the question. With regard to the latter part—namely, as to what course or change of course Her Majesty's Government would think it necessary to take in such in event, I am sure the hon. Gentleman and the House will not think I am wanting in any respect to him or them if I decline answering the question as to the future conduct of the Government in a case of this sort.

Mr. Ferrand

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ASSIZE TOWN FOR THE WEST RIDING CIRCUIT.

MOTION FOR AN ADDRESS.

SIR JOHN HAY, in moving the Amendment of which he had given notice, for an Address praying Her Majesty to nominate the town of Wakefield as the assize town for the West Riding of Yorkshire, said, he was extremely glad to find, by the answer which the Home Secretary had given to the hon. Member for the North Riding, that in making the present Motion he was not asking the House to repeal any Order in Council. The Government, as he understood their answer, had decided that the West Riding was to have a separate assize, but it had not decided where it was to be holden. It had previously been supposed, from communications received by the Mayors of Wakefield and Sheffield, that the Government had decided in favour of Leeds, and this decision had caused great surprise and indignation among the majority of the inhabitants of the West Riding, who were under the apprehension that the interests of the West Riding were about to be sacrificed to those of the borough of Leeds. He was not about to trouble the House at any length, but in order to explain the grounds upon which his Motion was based, it would be necessary to go back to the year 1832, when the Common Law Commission reported, under the signatures of several eminent Judges, to the effect that the extent of the County of York was so great and the population of the West Riding so numerous, that an additional Assize district for the West Riding was desirable. In 1857 a Royal Commission was appointed to inquire into the place where it ought to be holden, and of that Commission, presided over by the late Lord Campbell, the late Speaker was a Member, and also the right hon. Gentleman the Member for Droitwich (Sir John Pakington), and his hon. and gallant Friend the Member for North Lancashire (Colonel Wilson Patten). In their Report they declared themselves unanimously against a separate assize being held in the town of Leeds; but as to the suitability of Wakefield for the purpose a difference of opinion existed. Among the signatures to that document were the names of Sir John Pakington and Colonel Wilson Patten, who thought that Wakefield had established its claim. Having communicated with the Home Office he was informed that the Government had come to no decision, and that the matter had been referred for the decision of the Privy Council, consisting of the Lord President, the Lord Chancellor, and the Yorkshire Privy Councillors. The Privy Council humbly reported to Her Majesty an opinion in favour of Leeds. This opinion had given great surprise and offence to the inhabitants of the West Riding. He was glad however that the Government had not acted on the opinion of the Privy Council until the West Riding had had an opportunity of expressing its opinion, because there were only six Privy Councillors present, and but one of those was a Yorkshireman. He referred to the Earl De Grey and Ripon, who, he was informed, had always expressed a strong opinion in favour of Leeds; an opinion not shared by other Yorkshire Privy Councillors. Of 350 magistrates for the West Riding, 191 were of opinion that the assizes ought to be held at Wakefield, only fifty-nine were in favour of Leeds, and the remaining magistrates expressing no opinion. Among those in favour of Wakefield were Sir Charles Wood, Lord Houghton, Mr. Forster, the hon. Member for Northumberland (Mr. W. B. Beaumont), who had much property in Yorkshire, the hon. Members for Wenlock, Malton, and York, and almost every West Riding man who had been High Sheriff of Yorkshire. Fifty-six Petitions had been sent to the Home Office in favour of Wakefield, while there was no record of any Petition in favour of Leeds. Thus a large majority of the inhabitants, the magistrates, the Privy Councillors, and the Members of the West Riding were in favour of Wakefield. The population of the West Riding was about 1,600,000 souls. To 900,000 of these Wakefield would be the nearer and more convenient town, as against 700,000 who would be nearer to Leeds. The population around Wakefield too was increasing at the rate of 17½ per cent, while the population on the Leeds side of the county was only increasing at the rate of 9 per cent. But then it was said that Wakefield laboured under an insufficiency of railway accommodation. There were, however, not less than 187 passenger trains a day from Wakefield to all parts of Yorkshire, and Wakefield was in fact in communication with as many railways as Leeds. The courts at Wakefield were superior to those at Leeds, and the music hall at Wakefield was to be placed at the disposal of the Government for Assize purposes. The Town Hall at Leeds was no doubt a magnificent building; but an additional rate must be levied upon the county in order to provide Assize Courts at Leeds. The county buildings at Wakefield had cost £250,000, and there was ample accommodation for the learned Judges and the bar. The county prisoners were all committed to Wakefield before trial, and if the assizes were held at Leeds the county would be put to the expense and inconvenience of removing them to Leeds for trial. Would it, then, be either wise or just to have the gaol delivery at Leeds? Wakefield, too, was the head-quarters of the county constabulary, while in Leeds there was only the borough police, over whom the High Sheriff had no control. If the assizes were held at Leeds, it would be the only instance in which the capital town of any county had been passed over. If the precedent were followed the assizes must be removed from Warwick to Birmingham, from Exeter to Plymouth, and from Lewes to Brighton. The reasons which he had set forth, which were matters of fact within the cognizance of many hon. Gentlemen within that House, were sufficient to prove how undesirable it was that a heavy tax should be laid upon the West Riding solely for the benefit of the town of Leeds, and to the manifest disadvantage and dissatisfaction of the people of the district who were not inhabitants of that town. The hon. Baronet concluded by moving the Amendment.

MR. LEATHAM rose to second the Motion which had been so ably moved by his hon. and gallant Friend. It would be admitted on all hands that the consideration which ought to govern the decision of this question was the public convenience of the West Riding. The town at which the business of the assizes could be conducted with the greatest convenience and despatch and with the least expense to the litigants ought, *cæteris paribus*, to be selected, unless it could be shown that it laboured under some great disadvantage on some subsidiary point. His hon. and gallant Friend had shown, by figures which admitted of no dispute, that Wakefield was nearer the great bulk of the population of the district in the immense proportion of three to two. [" Hear, hear! "] The case of Wakefield could be proved upon an authority which even his hon. Friend (Mr. Baines), who cheered so vociferously, could hardly dispute, and which stated that, taking the whole of the Riding, Wakefield seemed to have a larger population residing near to it than Leeds. That was a proposition for which his hon. Friend was responsible. [Mr. BAINES: I have never made such a statement.] The admission was not made by his hon. Friend personally, but it appeared in a journal with which his hon. Friend was generally believed to have something to do; it was not competent, therefore, for his hon. Friend, who disported himself with such ease and grace among figures, to come down to the House and argue that this was a question simply between the larger population of Leeds and the smaller population of Wakefield, whereas the question really was between the larger population near Wakefield and the smaller population near Leeds. In anticipation of the speech which would be made by his hon. Friend, he would touch upon a few of the main points raised in a document which had been prepared on the subject. It was stated in the document that in relation to the manufacturing and mercantile districts Leeds was the more central town. But there was no mention of the agricultural districts, of which Wakefield was the acknowledged centre. The great cattle and corn markets were both at Wakefield, notwithstanding the spasmodic efforts which had been made to bring them to Leeds. He denied that Leeds was the central town of the manufacturing districts. He held in his hand a map in which the relative positions of Leeds and the various towns of the Riding were marked, and so far from Leeds being at the centre, it was on the very margin—an outpost, as it were—of manufacture. Bradford was the chief seat of the woollen trade, Sheffield of the hardware trade, and Wakefield of the corn trade. They had been told that Leeds contained 200,000 inhabitants; he never knew until lately how they were stowed away, but upon looking at the map he found the borough of Leeds was a district extending eight miles north and south, and six miles east and west. Now, if the same rule were applied to Wakefield, its population would be not 20,000 but 90,000. And besides, was it certain that this large population was an advantage to Leeds? He would not yield to his hon. Friend in the confidence which he reposed in the attachment to order and loyalty to the Crown of the working classes, whom his hon. Friend had taken under his protection; but would his hon. Friend guarantee the good conduct of the substratum which lay beneath? That huge mass of population, less instructed, less orderly, migratory, aliens in race and in creed—would his hon. Friend engage for them? [" Hear, hear!"] His hon. Friend was a sanguine man; but suppose in a time of great excitement a breach of the peace were committed, or one of those atrocious outrages occurred which had made the name of Sheffield notorious, would his hon. Friend guarantee that the authorities would have just the same confidence in the working classes as his hon. Friend, and that they would not endeavour to insure the public peace by a display of military force, or by changing the venue? But to change the venue was to instil suspicion of the accused, and to resort to a display of military force was to provoke the very danger which it was intended to avert. But there was another drawback, that, owing to its dense population and to the immense mass of steam machinery collected there, the air of Leeds had become vitiated to an extraordinary degree. It was proverbially dense, and was charged with noxious vapours. Any hon. Member might judge for himself; he had only to visit Leeds by one of those lines of railway about which so much had been said, and as he approached the place he would have leisure to observe the gradual decay of vegetation, that the trees had dwindled into shrubs, the shrubs into sapless stumps, and the very grass bore evidence against his hon. Friend, for it became of an invisible green. As for the atmosphere, it grew murkier and murkier every step, until at last the sun seemed scarcely able to struggle through the impenetrable black mask which rested for ever on the face of that unfortunate town. This question of fresh air was of great importance to the litigants, the bar, and the bench. But there was another claim advanced on behalf of Leeds on the ground of railway communication. But if the rumour were true of a gigantic project for additional railway accommodation, Leeds was not too well provided after all. With respect to railway accommodation, let any hon. Gentleman consult *Bradshaw*, if he were a person of great leisure and strong intellect, and he would find that there was no town in the kingdom to which a greater number of railways converged than to Wakefield; and there were no provincial towns better provided with trains. An additional railway was in course of construction, and when it was finished there would be two hundred trains a day in and out of Wakefield. One ground on which Leeds preferred its claim to be an assize town was, that a large proportion of criminal business originated there. The hon. Member for Leeds (Mr. Baines) might endeavour to make out that his constituents were located in a sink of iniquity; but, if so, the hon. Member should cease his laudable efforts to aid philanthropic societies, whose object was to raise the character of Leeds, unless, indeed, he desired to destroy one great claim which Leeds had, on account of its extra criminality, to be selected as a place for holding assizes. Another claim was, that the Bankruptcy Court was held at Leeds; but the jurisdiction of that court was not co-extensive with the West Riding, but with the whole county of York, and a portion of Lincolnshire and Nottinghamshire. That was the only institution of more than a local character which Leeds had to place against the numerous institutions in Wakefield. Then, great stress was laid upon the Leeds Town Hall, for the erection of which the borough rates had been mortgaged for many years to come. The Town Hall always appeared to him to be staring with well-bred surprize at the extraordinary collection of buildings around it. Leeds was the worst built town in the whole Riding, and did not possess a single substantial claim to be a county town. Compared with the dignity and prestige of York, Leeds was only distinguished by bulk and bustle. One great authority in Leeds—an authority which his hon. Friend behind him would not dispute—stated that the court there had the defect of not being a good place for hearing—what greater defect could there be for a court of law than that? He had received a letter giving an account of the case of a man tried for embezzlement at Leeds on two counts; one charging him with the embezzlement of 10*s.* 6*d.*, and the other with the embezzlement of £2 18*s.* 6*d.* The whole of the questions put by the prisoner in conducting his defence had reference to the smaller sum; and when the chairman directed his attention to the other sum of £2 18*s.* 6*d.*, the prisoner said that he had not heard a word about that charge, but he then produced receipts for the money. The chairman, turning to the jury, observed that there was an end to the case, and the jury immediately acquitted the prisoner, who had not heard the evidence of the witnesses, situated not five yards from him. About this time last year the people of Leeds perceived that their case was becoming desperate, and they went over to Sheffield. He supposed that the hon. Member (Mr. Hadfield) who rose to speak, but sat down at the cry of "Order!" meant to say that the people of Sheffield went over to Leeds; but, at all events, the two joined forces. Now, in 1858, a deputation from Wakefield, attended by the hon. Member for Sheffield among others, had an interview with the right hon. Member for Cambridge University (Mr. Walpole), who was then Home Secretary. Upon that occasion the Member for Sheffield strongly pressed the claims of Wakefield, observing that on such a matter the convenience of the public ought to be the first thing to be considered, and that that convenience would be best considered by admitting the claims of Wakefield—the hon. Member also observed that Leeds would be scarcely less inconvenient than York for the assize town. The hon. Member for Bradford (Mr. Wickham), and the then hon. Member for Halifax (Sir Francis Crossley), expressed similar opinions. His hon. and learned Friend the Member for Knaresborough, who was also in favour of Wakefield, because there, he said, one could have a country walk and enjoy the fresh air when the Court rose, whereas in Leeds it took one two hours to escape from the smoky atmosphere of the town. He was not versed in all the details of the diplomatic arrangement between Sheffield and Leeds. It might be, as the hon. Member for Sheffield had said, that his constituents first communicated with Leeds. They all knew what happened when the lion and the jackal went out hunting together. The king of beasts secured the lion's share, while the poor, weak-minded jackal had to slink away with its tail between its legs. Sheffield was exactly in the predicament of the latter. The good people of Leeds did their best to keep up the spirits of their friends at Sheffield, telling them that if Wakefield had been made an assize town the chances of Sheffield acquiring that honour would have been destroyed, because its inhabitants would then have had no grievance. There were many good reasons why Sheffield had no claim to be an assize town, apart from the fact that it had no prison, no courts, and no proper accommodation for the Judges. In July, 1863, a meeting of the Leeds Town Council was held to consider this question, at which one of the Aldermen, a gentleman of undoubted influence and authority, observed that it was absurd to say that Sheffield had advantages at all equal to Leeds, and quoted the opinion of Mr. Talbot Baines, that Leeds ought not to join forces with Sheffield in this matter. The same gentleman referred in strong terms to the prevalence of trade outrages at Sheffield. In fact, all the objections applicable to Leeds might be urged with still greater force against Sheffield. He never believed that the House or the Government would attempt to carry out the scheme of setting up an assize town in every corner of the Riding, instead of establishing one in a central situation, where business could be transacted with convenience to all the inhabitants of the Riding. The utmost wonder prevailed throughout the Riding when the decision of the Committee of the Privy Council was made known. None were more surprised than the people of Leeds themselves. He was informed that an important journal in that town, after having buoyed up the hopes of the citizens as long as it could, had, on the eve of the decision of the Privy Council, prepared what was called a "let-them-down-easy" article. The Leeds folk were highly elated. All the bells rung joy-peals, so that you would have thought everybody was going to be married; and in their exultation the Town Council had even some idea of sending a present of crape to the Corporation of Wakefield. Nobody knew what to make of the decision. By-and-bye, however, there came rumours attributing the success of Leeds to the exertions of his hon. Friend the Member for that borough. It was said to be the victory of the importunate widow over again. Ministers, it seemed, stood in awe of his hon. Friend, for he had not only command of a powerful organ of public opinion in the north of England, but went about carrying with him a single-barreled Reform Bill at full cock. Of course, he did not mean to justify these wild and improbable reports. He referred to them merely to show how puzzled the people in Yorkshire were to account for the extraordinary decision of the Privy Council. He now left the question to the House, feeling confident that they would be guided in their vote by considerations of public convenience, and that they would respect the desire of the Riding, as expressed through innumerable petitions, through the voices of Members of the House, and last, not least, through the opinions of a great majority of the county magistrates.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, representing to Her Majesty, the town of Wakefield, the capital of the West Riding of Yorkshire, as the place suggested by a large Majority of the Magistrates of the West Riding as the best for holding an Assize; that Wakefield, containing as it does the West Riding Prison, the head quarters of the West Riding Constabulary, the West Riding Register Office, and the West Riding Probate Office, is also geographically the central town of the West Riding, and possesses every convenience in courts, railway communication, and hotel accommodation for the purpose; and praying that Her Majesty will be graciously pleased to nominate the town of Wakefield as the assize town for the West Riding of Yorkshire,"—(*Sir John Hay.*)

—instead thereof.

Sir GEORGE GREY said, he would briefly state to the House the reasons why he thought they ought not to agree to the Address to Her Majesty, moved by the hon. and gallant Member for Wakefield (Sir John Hay), and seconded in a very amusing speech, characterized by great talent, zeal, and ingenuity, by the hon. Member below the gangway (Mr. Leatham), who, although not at present Member for Wakefield, was a resident in that town. First of all, what was the law on the subject? The statute, which was passed in the reign of William IV., after reciting two Acts of Parliament of Richard II., empowering the Lord Chancellor for the time being to fix the places where the assizes should be held, transferred the duty of making these arrangements to the Sovereign, acting on the advice of the Privy Council; the object, as stated in the Preamble to the Act, being to provide for the cheap, speedy, and efficient administration of justice. Such being the law, the facts of the case were these:—For some time past the Government had received numerous memorials from the West Riding of Yorkshire, praying that Her Majesty would divide that county into more than one district for assize purposes. Memorials had also been received from Leeds, Wakefield, and Sheffield, on the assumption that the former request would be acceded to, praying that their claims might be considered in the determination of the question where the new assizes should be held. All the memorials on this subject were, by Her Majesty's command, referred to the Committee of the Privy Council, in order that they might consider them, and after weighing the facts tender their advice to Her Majesty. Reference had been made to "the importunate widow," and he might say that he never was subject to so much importunity on almost any subject. He must bear testimony to the zeal the hon. Member for Wakefield had shown, both publicly and privately, in the matter. He had also received repeated applications from the hon. Members for Leeds and Sheffield. He gave one and the same answer to all these Gentlemen, that the question was one on which he must reserve his opinion, that it did not lie with him to decide it, and that an order must be made on the subject by Her Majesty in Council, after the question had been considered by a Committee of the Privy Council. Every document received at the Home Office on the question was forwarded to the Council Office, in order that it might be printed and placed in the hands of the members of the Committee. The Lord Chancellor (who had looked very carefully into the matter, was a member of the Committee, and the President of the Council) summoned to the Committee two Members of the Government, the right hon. Baronet the Secretary of State for India (Sir Charles Wood), and the noble Lord the Secretary of State for War (Earl De Grey), who were connected with Yorkshire, and possessed a local acquaintance with the subject. Two law Lords were also added, who had, as Common Law Judges, well known the Northern Circuits — Lords Wensleydale and Cranworth. His right hon. Friend the Vice-President of the Council (Mr. Lowe) and himself were also summoned to attend. An inquiry was made of the parties interested whether the whole of the case of Leeds, Sheffield, and Wakefield respectively, was contained in the documents transmitted to the Council Office, and they answered that it was. It had been said that Earl De Grey went into the Committee with his mind already made up in favour of Leeds. His reply to that was, that when he entered the Committee with Earl De Grey, he did not know what the opinion of his noble Friend was. After considering all the documents laid before them, and deliberating carefully on the subject, the Committee came to the conclusion—without reference to political or private interests, but with a single view to the convenience of the West Riding, and the cheap, speedy, and effectual administration of justice—that Leeds had a preferable claim. Reference had been made, much to his surprise, to the opinion of the magistrates; for the fact was well known, that if the magistrates' opinion was to prevail, a large majority were decidedly against any change whatever. He trusted the House would not, at the instigation of the hon. and gallant Member for Wakefield (Sir John Hay), without having one authentic document before it, but simply on the perusal of *ex parte* statements, such as were circulated in the case of a Private Bill, decide a question which could only be decided after due deliberation, and with a full knowledge of all the facts. No doubt the House had a right to address the Crown on this or any other subject; but in the absence of all information it would, he was sure, refuse to interfere with the ordinary course prescribed by law, and set aside the decision of the Privy Council. It was not correct to assert that the Government had suspended action in order that the opinion of the inhabitants of the West Riding might be more definitely ascertained. The case was the same asthat of Manchester. Long ago it was decided that an assize should be held in Manchester; but no order in Council had yet been issued, simply because it was necessary that proper provision should be made beforehand for the holding of an assize there. So it was with Leeds. Advice had been tendered to Her Majesty in favour of holding an assize in that town, and if an Order in Council had not been issued, it was not because the Government wished to suspend proceedings, but because the requisite accommodation had not yet been provided. On the whole, notwithstanding the stirring and amusing nature of the appeals which had been addressed to it, he hoped the House would not be led into the consideration of the merits of this case without having the means of arriving at a safe and sound conclusion.

MR. BEECROFT said, he congratulated the Borough of Wakefield in having for its able representative his hon. and gallant Friend who was ever ready to stand forth as its champion even under the most adverse circumstances. His hon. and gallant Friend would however, perhaps, allow him to say a word or two on behalf of Leeds: and, in the first place, he must remind him and the House that Her Majesty's Privy Council was fully apprised of the opinions of the county magistrates when it came to its decision in favour of appointing Leeds as the assize town for the West Riding, and that decision was no doubt arrived at from the fact, that the claims of Leeds were found to be irresistible. The majority of the West Riding magistrates were not in favour of Wakefield being made the assize town; 158 magistrates voted for Wakefield and fifty-seven for Leeds, and as there were about 360 magistrates in the Riding, it appeared about 150 abstained from voting. The West Riding contained 1,700,000 acres, and was larger than any county in England or Wales, except Lincoln. The population was 1,500,000, being one-twelfth of the population of England. Leeds was by far the most populous town in the Riding, and was the centre of a large manufacturing and mercantile district, and contained, according to the last census, 207,000 inhabitants, and within a radius of ten miles of Leeds there were 600,000 inhabitants. Wakefield, had a population of 23,000, and was only a little more than eight miles from Leeds. Common sense told us, that as between these two places, the small population should go to the large town, and not the large population to the small town; he was much surprised, therefore, that any one should attempt to set up the claims of Wakefield as being superior to those of Leeds. Leeds was the centre to which all the railways in the Riding, with one or two unimportant exceptions, converged, and had frequent access to all parts, and in nearly all cases without change of carrriage or line of railway. Leeds had 120 arrivals per rail per day, and the same number of departures, and in these respects was far better situated than any town in the Riding. The House would admit that this facility of access was the best means of rendering the administration of justice cheap, and was a great convenience to commercial men, as they could come from almost any part of the Riding before the opening of the court in the morning, and return home after the close of the court in the evening. Leeds, on account of its great population, and being the seat of the most important trades in the Riding, had more than an average share of cases for trial, and had contributed much more largely than any other town in the Riding to the civil and commercial business of the assizes. For this reason, when bankruptcy courts were instituted, Leeds was chosen as the principal, and Sheffield as a branch court. For similar reasons the assizes for Northumberland were removed to Newcastle, and South Lancashire to Liverpool, simply because of the large population, amount of accommodation, and facility of access, &c. The population of Leeds was loyal, well affected, very peaceable, no riot of any consequence having ever taken place in it. The great variety of trades prevented the working classes being subject to any general trade distress and conduced to their contentment and peaceable habits. If Leeds was not the natural centre of the Riding, why did the railway companies choose it as their terminus instead of Wakefield? Wakefield had almost equal railway communication with Leeds, but it was accidental, being in the valley; and when railways were first made they could not work districts which they can now; for instance—direct from Manchester to Leeds *viâ* Dewsbury. If they had been able to do it then, Wakefield would only have been an out-of-the-way place on a branch. What induced railway companies to centre in Leeds was its business and importance, and being the natural centre of the district; and the same reasons applied to assizes. Newcastle was at the extreme verge of Northumberland, and Liverpool at the extreme verge of South Lancashire. In all these cases the assizes were taken to large places, though at extreme points; but they had large populations, good and plentiful accommodation, and were centres of railways, and therefore had direct access to most parts of their respective districts. Leeds had these advantages of population, of accommodation and of railway access, and besides which it was central, which they were not. His hon. and gallant Friend had alluded to the hotel accommodation in Wakefield. Now, he really must differ with him in this respect; there were no superior hotels in Wakefield, but certainly sufficient for the accommodation of 23,000 inhabitants, although anything but sufficient for the accommodation for the number of people frequenting the assizes. The railway stations at Wakefield were not good, and passengers had to wait till trains came up, as they were only roadside stations. In Leeds, passengers could wait in a first-class hotel, and know the moment they start, because it was a terminus. Was it not, therefore, idle to talk about the claims of Wakefield being superior to those of Leeds? He could understand the city of York being opposed to any change: it had many associations connected with it which, beyond mere possession, had given it a sort of claim to continue the assize town of the county. It could not be wondered at that its influence should have been exercised to the utmost to retain them. How, then, it would be asked, had the change been at last brought about? He answered, by the sheer necessity of the case. The claims were so strong the Government could no longer resist them. The area of the Riding, the increase of its population, the extent of its commerce, and the consequent amount of assize business, both civil and criminal, which necessarily arose within it, exceeded those of many of the counties, which each possessed a separate assize, put together. Then, where were the new assizes to be held? The same considerations furnished the ready answer. The centre of the densest of the population, surrounded immediately by numbers greater than those which people many a county —itself furnishing a very large proportion of the business of an assize, and supplying the most intelligent class of jurymen that could be empanelled, and possessed already of all the necessary courts and buildings — whither, but to Leeds, could an impartial tribunal bring the business that it had once determined to remove from York? The citizens of York need not, however, fear that their ancient city would ever cease to be regarded as the metropolis of the great county of York. He could easily understand the prejudices of the magistracy and the county gentlemen, and their old associations with the county town—these were very natural; but they must remember that when York was made an assize town, it was the largest and most important town, not only in Yorkshire, but in the north of England, and now the population was concentrated in quite a different direction. The magistrates of the West Riding, he knew, wished to retain York as the assize town for the whole of Yorkshire; but for what reason they should prefer the small town of Wakefield to Leeds as an assize town, was to him, he confessed, a great mystery. He, therefore, asked the House, was justice to be brought to the doors of the people or not? Were the prejudices of county gentlemen, however natural, to be considered before the public convenience? He asked these questions with confidence. Was the public convenience of the great masses of the people to be considered or not? That was the question which this House had to decide. He believed that the House would not attempt to reverse or overrule the decision already arrived at by Her Majesty's Privy Council, and he also believed the people of the West Riding—even the magistrates—would, after calm consideration and due reflection, regard that decision as wise and judicious.

SIR GEORGE GREY wished to correct an omission in his previous statement. He had mentioned the names of Lord Wensleydale and the Secretary of State for India as among the Members of the Committee of Privy Council, but neither of them was able to attend personally: they sent the President their opinions in writing.

MR. ROEBUCK said, he thought that this matter had been taken entirely out of the jurisdiction of the House. An Act of Parliament had been passed, giving the Privy Council the power to determine this question, and it had been determined accordingly. ["No!"] The Privy Council had determined it; they had said that the assizes should be removed from York to the West Riding, and they also recommended that Leeds should be the town fixed upon. They waited till Leeds had done certain things, and till certain documents should be issued, before they made it decisive that Leeds should be the new assize town; but still it should be distinctly understood that the Privy Council had decided. Parliament had declared that the Privy Council was the best tribunal to judge of that matter, and that tribunal had had before it all sorts of evidence. He had himself laid before the right hon. Gentleman (Sir George Grey) certain evidence, and he regretted that that weight had not been given to it which he desired; but still he bowed to the decision. But the House had no evidence before it, and they were precluded from doing anything in the matter. They, perhaps, did not know what they were about when they passed an Act of Parliament; but, having given this power to the Privy Council, they ought not to interfere with its decision. He knew that country gentleman liked a country town with a country atmosphere; but he could not pretend to share the fantastical notions of the hon. Member for Huddersfield (Mr. Leatham), who spoke of the horrors of Leeds. He could not very well understand how the hon. Gentleman coming from Huddersfield should pretend a wish to escape from the horrors of Leeds. He could very well understand how the country gentlemen should prefer Wakefield to Leeds, and prefer York to either. They might have their dances and their flirtations at Wakefield, and they might not like the society they would meet at Leeds. All that might weigh with the country gentlemen of York, but it should not weigh with the Parliament of England. He spoke merely as the mouthpiece of his constituents, having no feeling on the matter himself. His constituents told him that they desired Leeds to be chosen, and their desire in such a matter he took as a command, although in matters Imperial he would not take their opinion for more than it was worth. He, therefore, spoke in favour of Leeds, and hoped the House would not stultify their previous votes by now voting this Address.

Colonel SMYTH said, he had heard the remarks of the hon. and learned Member for Sheffield (Mr. Roebuck) with some astonishment, because only that day week that hon. and learned Gentleman went with his Colleague and himself on a deputation to the Home Office and asked that Sheffield might be united to York for assize purposes. Therefore, since that day week the opinions of the people of Sheffield must have greatly changed. As long ago as the date of the Report of the Commission, to which his hon. and gallant Friend had alluded, this question had been more or less agitated; and in 1858 a memorial was sent to the then Home Secretary, signed by an overwhelming majority of the magistrates, in favour of the retention of the county assizes at York; but many of the magistrates said that if there was to be a change, Wakefield was the place that should be selected, and not Leeds. On several subsequent occasions the feeling of the magistrates had been expressed to the like effect, in every instance the majority being adverse to any removal of the assizes at all from York. What they complained of, therefore, was that the opinions of the justices having been asked by the Government three or four separate times, and always with the same result, a determination of the Privy Council, diametrically opposed to those opinions, should have been taken. That, he thought, was a sufficient reason for raising this question again. Moreover, the decision of the Privy Council was arrived at by a narrow majority, and he believed that if Lord Wensleydale and the Secretary of State for India had been present, they would have been in favour of Wakefield instead of Leeds. When Leeds was selected, the intelligence was received with a surprise amounting to something like indignation by every one whose opinion had been sought. He should support the Motion of his hon. and gallant Friend.

Mr. BAINES said, this question had been already settled by the authority to which it had been delegated by Parliament. The Acts 3 & 4 *Will.* IV. and 27 & 28 *Vict.* concurred in giving power to the Privy Council to decide questions of this nature, and, after patient and mature deliberation, they had decided in favour of Leeds. Would that House constitute itself as a court of appeal against the Privy Council? The case was as complete for Leeds as it was for Manchester, to which the assizes of a portion of South Lancashire had been transferred. It was the intention of our old law that the assizes should be held in the principal town of each county, and there could be no doubt that Leeds was the principal town of the West Riding. Contracts for land and buildings and other arrangements, involving the expenditure of large sums of money, had already been entered into at Leeds, under the belief that the assizes were to be transferred to that town; and all those engagements and the consequent expenses which had been incurred, would be nullified if the House should interfere to set aside the decision of the Privy Council. It had been stated that 282,000 of the inhabitants of the West Riding were nearer to Wakefield than to Leeds; but that calculation had been made upon the data supplied by a period which preceded the development of the railway system; and the latest estimate of population and the most recent railway time tables showed that 60,000 of the people of the West Riding had more easy access to Leeds than to Wakefield. Leeds was the most central as well as the most populous part of the West Riding. Its industry and commerce were greater, it possessed much superior accommodation for an assize town than Wakefield, and there was no reason for attempting to disturb the decision of the Privy Council, and he hoped the House would not sanction any such attempt.

Sir JOHN PAKINGTON said, he was not a Yorkshireman, and had no connection with the West Riding, and he was, therefore, a perfectly impartial witness in that matter; but he had been a member of the Royal Commission, which, in the year 1857, sat to consider the question. He could confirm the statement of his hon. and gallant Friend (Sir John Hay), that the Commission, which was presided over by Lord Campbell, and of which Lord Wensleydale and Baron Martin were members, arrived at a unanimous decision against transferring the assizes of the West Riding to Leeds. It was true that a majority of the Commission were in favour of retaining the assizes at York; but a minority, which included his hon. and gallant Friend the Member for North Lancashire (Colonel Wilson Patten) and himself, were of opinion that the case for establishing a separate assizes for the West Riding had been made out, and that such assizes ought to be held at Wakefield; and he believed that if the Commission had merely to choose between the claims of Wakefield and Leeds, the majority, if not the whole of its members, would have decided in favour of the former town. The population of the West Riding were nearer to Wakefield than to Leeds, in the ratio of seven to five; and the great prison of the West Riding, as well as the Court of Quarter Sessions, and the principal police station, were at Wakefield. He could see no constitutional objection to the House addressing the Crown upon that subject; and if the Motion were pressed to a division, he should feel it his duty to give effect to his opinion as a member of the Royal Commission, by voting in favour of it.

Sir GEORGE GREY said, he had not denied that the House had a constitutional right to address the Crown in such a case.

Mr. HADFIELD said, that at a meeting of many of the most influential inhabitants of Sheffield it was resolved that Leeds ought to be the assize town of the West Riding; but the people present at that meeting intended to ask hereafter that there should be a further division of the Riding, and that Sheffield should ultimately become an assize town.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 138; Noes 119: Majority 19.

LAW OF SETTLEMENT.

OBSERVATIONS.

Mr. WARNER said, that since he gave notice of his intention to call attention to the Law of Settlement, he had had an opportunity of stating his opinions upon it. The right hon. Gentleman the President of the Poor Law Board had also publicly declared his opinion that a union rating was only a question of time, and that with a union rating the law of settlement must go. He (Mr. Warner) was perfectly satisfied with his declaration, and he thought he should best serve the cause he had at heart, by leaving the further discussion of the matter to the Committee which had already sat two Sessions, and which he hoped would be re-appointed.

APPOINTMENT OF LIEUT. GENERAL GOUGH TO THE 2nd DRAGOONS.

QUESTION.

Colonel BARTTELOT said, he rose to ask the Under Secretary of State for War, On what principle Lieutenant General Gough, C.B., has been appointed to the 2nd Dragoons? In the first place, he wished to disclaim all intention of saying anything that might be hurtful to the feelings of an old and distinguished officer; it was because he was influenced by the feelings of an old soldier that he brought this question forward. He fully admitted that General Gough deserved all the rewards his country could bestow upon him except the one reward of an appointment to a cavalry regiment. He had always thought that the rule was that no officer was entitled as a General Officer to receive the appointment to a cavalry regiment who had not served as a lieutenant-colonel of dragoons. That was the belief of the service—that was the rule observed by the Duke of Wellington, and with some modification it was observed by Lord Hardinge. Only on one or two occasions had that rule been departed from, and he thought that these were appointments which cavalry officers were fairly and honourably entitled to claim. He should probably be told that Lieutenant General Gough had served for many years in a cavalry regiment. But the fact was that he never served at all with a cavalry regiment, for although he was in the 3rd Light Dragoons he had not done one day's duty with that distinguished regiment. In 1820 Lieutenant General Gough entered the service. He was in the 22nd and 23rd Foot, or on half-pay till 1837, in which year he was appointed to an extra troop in the 3rd Light Dragoons, when that regiment was proceeding to India. In this regiment he remained from 1837 to 1853, during which time, however, though his services were most distinguished, he did no regimental duty, being placed upon the staff, and other officers in the regiment, who got no reward whatever, had to perform his duty. It might be true that at the battle of Moodkee and Ferozeshah, General Gough commanded a cavalry brigade, but they were Native cavalry. He would leave it to the House to judge whether an officer who had never commanded a squadron of dragoons was as qualified to command as an officer who had been trained in that branch of the service. He next came to the time when he found the gallant General at home on half-pay, and when he found him in command of the Belfast district; in Dublin he had command of the infantry brigade, General Parlby commanding the cavalry brigade. The last-named fact showed that the authorities regarded General Gough not as a cavalry but as an infantry officer. He quite admitted that an officer who had performed distinguished service should be well rewarded by his country; but he also went a step further and said, that he should be rewarded in that particular branch of the service with which he had been connected; and without underrating the merits of General Gough he could not help saying that he thought that old cavalry officers had some little reason for complaint at that appointment. Looking at the list of General officers in that branch of the service, and having regard to the number of vacancies that had occurred within a specified period, if promotions were to take place at the same rate the junior officer would have to wait fifty years before he obtained a regiment, and therefore he regarded such appointments as this with apprehension. He hoped he had not said anything which reflected on the character of General Gough. All that he wished to convey was that he thought it was not for the interest of the service that a highly-approved rule should be set aside, and that those who had served in cavalry regiments should be

Colonel Barttelot

deprived of their rewards. He had given notice to move an Address for papers, but if the noble Marquess was unwilling to give them he should not press the Motion.

Colonel DICKSON said, he thought that discussions upon military appointments in that House were very much to be deprecated. He did not wish to limit in any way the authority of this House over expenditure, but the appointments and discipline of the army ought to be left in the hands of those whom from time to time Her Majesty and the country honoured with their confidence. It was impossible that any Commander-in-Chief could give general satisfaction; but there was in this country a public opinion which no man, however high his station, could outrage, and as a general rule, army patronage was bestowed with tolerable fairness and discretion. There had recently been a melancholy instance of the imprudence of interfering in a matter which had been already settled by competent authority, and this constant interference with military appointments struck a heavy blow at the root of discipline, and tended to deprive the authorities of the confidence of their subordinates.

Mr. B. OSBORNE said, he thought that Lieutenant General Gough could not object to have his services and claims laid on the table, because those services were almost a history in themselves of the successful campaigns of this country during the last forty-two years. When the hon. and gallant Officer opposite brought this case forward, why did he not take pains to explain that Lieutenant General Gough had served his country for forty-two years, of which period forty years had been passed in active service abroad? [Colonel Barttelot: I said he had entered the service in 1820.] He said the hon. and gallant Officer had given the particulars afforded by the common *Army List*, but he might have informed the House that Lieutenant General Gough had been in four distinct campaigns, was thanked seventeen times in general orders for his gallant conduct in the field, while no man had been more mangled and more pitifully wounded in the service of his country. At the battles of Moodkee and Ferozeshah, in both which engagements he was badly wounded, he commanded a cavalry brigade. As to the objection that Lieutenant General Gough was not a cavalry officer, he did not understand it. It seemed to him that he was *bonâ fide* a cavalry officer.

He had exchanged from the 23rd Fusileers into the 3rd Light Dragoons, paying the difference between cavalry and infantry; and after sixteen years' service with that regiment, chiefly on the staff in India, he was put on half-pay, without receiving the difference, when that regiment returned from India and was reduced. Infantry Generals six and seven years junior to him in the service had received infantry regiments; and, after waiting for five or six years, during which so many were put over his head, General Gough had recently been appointed to the Greys. He thought the Horse Guards had not only shown great discretion, but also a proper appreciation of distinguished and lengthened service in the field, by conferring this appointment on that gallant officer. It was an appointment that did honour to the Horse Guards and to General Gough.

MR. DAWSON concurred with the hon. and gallant Gentleman the Member for Limerick (Colonel Dickson), that the House ought to discourage discussion on such subjects as this. He was sure that the eminent person who presided over the Horse Guards, fairly considered the claims of gallant officers who were eligible for rewards by reason of their distinguished services. That General Gough was not exclusively a cavalry officer could not be for one moment contested; but it was equally true that he had performed some of his most distinguished services in the field while commanding as a cavalry officer. It was certain, too, that General Gough had lost in a pecuniary point of view by not getting himself put over an infantry regiment years ago; and it would be unreasonable to object to his getting the Greys when he had waited so long for an appointment to which his services justly entitled him.

THE MARQUESS OF HARTINGTON said, he did not intend to enter on this occasion into the question, whether it was expedient or inexpedient that the House of Commons should take into its cognizance matters of this nature relative to the discipline of the army. There was no doubt, that on subsequent occasions during the Session, that question would be more prominently brought forward and discussed in a case which had given rise to great public interest within the last twelve months. But he must say, as the representative of the War Department and of the Commander-in-Chief in that House, that if he could have selected any case which he should have wished to see brought forward there, it was the case which the hon. and gallant Member (Colonel Barttelot) had brought forward that evening. After the eloquent speech of the hon. Member for Liskeard (Mr. Bernal Osborne), it was not necessary for him to trouble the House with the dry details with which he was prepared in reference to the services of Lieutenant General Gough. Those services had been, in the main, correctly stated by the hon. and gallant Gentleman (Colonel Barttelot); but he had made an omission, which had subsequently been cleared up by the hon. Member for Liskeard. He had omitted to tell the House that when General Gough exchanged from the infantry to the cavalry he paid the difference in the price of the commissions, and that when he was reduced to half-pay he did not receive that difference back again. The hon. and gallant Gentleman had told the House that there was a rule to the effect, that none but field officers of cavalry should receive such an appointment as had been conferred upon General Gough. He could only say that after careful inquiry he had not been able to find that any such rule had ever been known or recognized either at the War Office or the Horse Guards; and he thought it would be absurd that such a rule should exist. The simple understanding was that a *bonâ fide* cavalry officer should be selected from a cavalry regiment, and a *bonâ fide* infantry officer for an infantry regiment. The only point in the statement of the hon. and gallant Gentleman which had not been replied to was that General Gough had commanded a brigade of infantry in Ireland. The fact was that a change of system was determined on while General Gough was in Ireland. The system of Generals of districts was done away with, and instead of it the system of Generals of divisions was substituted. His Royal Highness the Commander-in-Chief would not have appointed General Gough to the command of an infantry brigade if he had not been the General of a district; but, having no other command at his disposal, he gave him the command of an infantry brigade in consequence of having found him in the command of a district. He was glad the hon. and gallant Member had disclaimed any intention of decrying the services of General Gough; or of alleging that the reward which that gallant officer received had not been properly earned; but he must say that the notice on the paper might easily have induced any one to suppose that he intended to submit to the House the inexpediency of rewarding General Gough at all. After the statements which had been made to the House, he did not think it necessary for him to justify the appointment to a cavalry regiment of a distinguished General who had always been considered more of a cavalry than an infantry officer. He thought it would be extremely hard if any objection was made to the appointment, inasmuch as General Gough had been passed over again and again when the commands of infantry regiments were being conferred, because it was considered by the Horse Guards that he was a cavalry officer, and that the command of an infantry regiment was not the reward to give him.

SIR JOHN SHELLEY said, that in the regiment in which he had served — the Blues — two infantry officers, Lord Hill and Lord Gough, had been appointed to the colonelcy.

UNITED STATES—CAPTURE OF A CONFEDERATE VESSEL IN A BRITISH HARBOUR.—QUESTION.

MR. HALIBURTON rose to ask the Under Secretary of State for Foreign Affairs, for information relative to the capture of a ship under the Confederate flag, by a Federal vessel of war, within the harbour of Pankbar, in Nova Scotia, and under the guns of the fort; whether complaint had been made of this outrage to the Government of the United States, and, if so, what answer had been given thereto; and to move an address for copies of correspondence thereon? The hon. and learned Member said, that the vessel in question was sailing from one port to another of the United States, when she was captured by a body of men on board who claimed to be Confederates holding commissions from the Confederate authorities. She was afterwards brought to a port and received certain supplies and shipped a certain number of men. She then proceeded further towards Nova Scotia, and finally entered the harbour of Pankbar. While there she was pursued by an American man-of-war, captured, and carried to Halifax, where she was given up to the Admiralty. He did not wish to inquire as to whether a piratical act had been committed, nor did he want to inquire into the subsequent proceedings of the Court of Admiralty at Halifax. What he wished to know was whether any complaint had been made, on the part of this country, of the capture to which he referred; and, if so, what reply had been returned on the subject by the Federal Government. The outrage itself was one about which there could be no dispute; and it was well that it was so, for there had been exhibited by the American authorities a carelessness in their statements of facts and a looseness in their preparation of public documents in those instances which, he would simply say—for he did not like to use harsh or coarse language— contrasted very unfavourably with the accuracy which we displayed. In support of that view, he might mention that in a case which occurred off the West Indies, where a Federal man-of-war chased a vessel ashore and fired broadside after broadside into her at a distance of only 300 yards, it was maintained on the part of the Americans—nay, sworn—that the vessel was at the time three leagues away, and nothing but the production of the shot and fragments of the shell could convince them that they were wrong. In the same careless manner it was asserted, on their part, in the case in which a vessel was seized near the Cape of Good Hope and the mate shot by one of the American officers, that it was all a matter of the purest accident; that the officer had presented the pistol by accident, that it went off by accident, and that by accident the man was killed. He alluded to these cases in illustration of the carelessness to which he had just adverted; but, in the present instance, the facts were too strong and too well authenticated to admit of denial. The capture of the vessel was well known to the inhabitants of a large fishing village in the vicinity of the spot where the seizure took place; it occurred under the guns of the neighbouring fort, in view of two regiments, and while the vessel was within 300 yards of the shore. But the case was one which only afforded a single illustration in connection with a very painful subject. It was a source of constant complaint that vessels lawfully trading with the Bermudas and Nassau were condemned by the American Prize Courts without rhyme or reason; and although the noble Lord opposite (Viscount Palmerston), the other evening, passed a high eulogium on the American Courts, stating that they were very impartial, and that this country ought to be satisfied with their decisions, yet he must be allowed to remark that that was the very reverse of the opinion which was generally entertained with respect to them.

Indeed, the Americans themselves did not speak very highly of them; and it was, therefore, no harm to say, that while the Supreme Court in America had ever since the days of Washington borne the highest character for the intelligence, learning, and ability of its members, the decisions of the inferior Courts, whose Judges were generally chosen for political objects, and because of the political opinions which they held, were beneath contempt, and, to use the language of Americans themselves, not to be trusted. There was, therefore, not unnaturally a very general feeling among the colonists, that when their property was seized by the Federal vessels, it was very often wrested from them by the ruling of those inferior Courts in defiance of law and reason. They felt, moreover, that the Americans were a people who would just go as far as they were allowed, and that when they took a step they were disposed to go a step further if not checked. They saw that the Americans were constantly making inroads into Canada in pursuit of deserters, at whom they fired, and sometimes captured and took back—for such things were repeatedly done, although we learnt nothing of their occurrence from the public prints or from the Government; they felt that there was a lawless people in their neighbourhood who were bound by no ties, who disregarded international law, who resorted to violence and force; and it was because the colonists felt all this, that he had deemed it to be his duty to bring the case of the capture of the vessel, to which his question related, under the notice of the House of Commons.

DENMARK AND GERMANY — THE DANISH SUCCESSION—TREATY OF 1852, AND THE WARSAW PROTOCOL.

QUESTION.

MR. KINGLAKE said, that as his hon. Friend the Under Secretary for Foreign Affairs would be precluded from speaking a second time on the Motion before the House, he wished to invite his attention, before he replied to the hon. Gentleman who had just spoken, to the subject of his notice—the way in which the operation of the Treaty of London, of the 8th of May, 1852, was affected by a Note addressed on the same day by Baron Brunow to the Danish Minister at the Court of St. James'. At a moment when that treaty was the cause of so much perplexity, confusion, and war, he might, he thought, be pardoned for endeavouring to bring to the knowledge of the House a portion of the transactions which occurred on that 8th of May on which it was signed, and which had not yet, so far as he knew, been communicated to Parliament or to the country. It was true that, in his judgment, the *casus fœderis* under the treaty had not occurred. As he read it, it was a treaty which had no immediate application, and which could have no application until the King of Denmark had taken the necessary measures for changing the succession, not only in Denmark Proper, but in the two Duchies; and he ventured to believe that the country was fast coming round to the opinion that it would be grievous indeed if there was any word in the treaty which would compel us by force or diplomatic pressure to force on a reluctant people a ruler to whom they objected. His present object, however, was to bring under the consideration of the House the true nature of the arrangements which had been entered into on the 8th of May, 1852, including that which was withheld, as well as the treaty of which they were cognizant. But in order to give significance to the Question which he was about to put to the Government, it was necessary that he should give hon. Members some idea of the purport of the Warsaw Protocol of which they had heard so much. According to some, that Protocol, far from being what its terms purported, a concession made by the Emperor of Russia, was regarded as a retraction of a concession which had been formerly made by the Emperor Paul. But whether that was or was not the true interpretation, it was quite certain that the Protocol of Warsaw did carefully keep alive, and sought, as it were, to give new life to all those rights and claims of the Emperor of Russia which might accrue after the failure of the male issue of the present King of Denmark. Inasmuch as before the signing of that instrument there were many lives intercepting any claim on the part of the Emperor — as many, he believed, as seventeen — and inasmuch as the arrangements put an end to by the treaty and the renunciations to be obtained would limit to fourteen the number of those intercepting persons, it was quite clear that the Protocol of Warsaw, if it ever came into operation, enabled the Emperor to make a vast stride. This stride was so obvious that it never seemed to have been thought that Europe could be asked to give its sanction to the arrangements of the Warsaw Protocol. He had often heard it said that the noble Lord at the head of the Government had from time to time approved that protocol; but he was bound to say that, as far as he could gather anything from the papers which had been brought to his knowledge, the noble Lord ceased to be, in public at all events, a supporter of the proposal brought forward by the Emperor of Russia, from the time when the Protocol of Warsaw was submitted to the opinion of European diplomatists. It being, as he said, impossible that the arrangements made by the Protocol of Warsaw should be openly proposed to Europe, the Treaty of London carefully avoided recognizing them. The Treaty of London dwelt only specially with circumstances which were to occur until the failure of issue of the present King of Denmark; but it also provided, not in a special, but in a general way, for the manner in which Europe should deal with the condition of things which would arise in the event of such failure of issue. By the second Article it provided, that in the event of the failure of male issue of the present King and Queen of Denmark, it should be competent to the King to propose new arrangements to Europe, and those new arrangements should be taken into consideration by the parties to the treaty. There, then, an initiative was clearly given to the King of Denmark; and a power of dealing with that initiative, a power of receiving his proposal, was reserved to the other parties to the treaty. Accordingly, this second article has always been relied upon as the safeguard contained in the treaty; and when in the year 1853 there was a good deal of discussion on this subject, Lord Clarendon stated, and stated quite rightly, if this treaty was the only thing in existence, that the fears of those who desired to look to the state of things after the failure of issue of the present King of Denmark were provided against by the second article of the treaty. That being so, what would the House say when he stated, that on the very day on which the treaty was signed, as it were, while the ink of the treaty was drying, another paper was prepared, signed by Baron Brunow, and addressed by him to the Danish Minister, which, if acquiesced in by the Danish Minister and the other parties to the treaty, would absolutely annul the second article of the treaty, and would do a great deal more — would positively bring into force and make obligatory upon the King of Denmark the stipulations of the Warsaw Protocol? That such a paper was signed he was absolutely certain. He had in his care the original French of the paper in question, and he had also a translation which he had made of it. The French copy which he had in his pocket he had compared with a copy which he knew to be authentic, and he was therefore enabled with perfect confidence to state to the House that this paper was signed and addressed to the Danish Minister on the 8th of May, 1852. The Note was dated according to the Russian plan "26th April and 8th May" — old and new style—"1852," and was addressed by M. de Brunow, the Minister of Russia at the Court of London, to M. de ——, the Danish Minister at the same Court. It ran thus—

> "The undersigned Envoy, &c., has received orders to deliver to him at the same time this present Note, in order to recall and renew the reserves expressed in the Protocol of Warsaw of the 24th of May (5th of June), 1851, which, after having been clothed with the sanction of His Majesty the Emperor of All the Russias and His Majesty the King of Denmark, has been brought to the knowledge of other Powers."

Then there followed a copy of the third section of the Warsaw Protocol, and then M. de Brunow ended by renewing, by order of his Court, the reserves then declared. He did not for a moment imagine that in this proceeding there was any idea of anything like treachery. He was perfectly certain that his hon. Friend (Mr. Layard) would be able to tell the House that there was no concealment among the Powers who were parties to the treaty, and that the Note in question was fairly communicated, not only to Denmark, but to all the other Powers who were parties to the Treaty of London. But although there was, as he had no doubt, this perfect freedom of communication between the plenipotentiaries who signed the treaty, still, for some reasons of State with which he was not acquainted, no communication of this important document — this document which varied and altered in a most important way the terms of the Treaty of London—had, as far as he had been able to ascertain, ever been made to Parliament or to the country at large. Therefore, as it appeared to him, the effect of this Note, if it was acquiesced in by the King of Denmark and the other Powers, was exactly the same as that of a document well known to diplomatists, called "a secret Article." It would operate exactly in the same way as a secret Article annexed to a treaty. His hon. Friend must not tell him that a mere Note such as this was not a document of sufficient solemnity to undo the solemn engagements of a treaty; because it did so happen, either by chance or as the result of an extraordinary amount of ingenuity—he could not say which—that the particular provision of the treaty was of such a kind, that without any violation of the principle that one treaty was not to be got rid of by anything less than another, this document would have the effect of altering the arrangements of the Treaty of London—because the provision of the treaty was that it should be competent to the King of Denmark to make proposals for changing the succession; and the effect of this Note, which was brought to his attention, and which revised the Protocol of Warsaw, was to limit his power, to limit his discretion as to making those proposals, and to bind him, with the degree of cogency which was involved in the receipt of and acquiescence in the paper, to a strict observance in the proposals which he made of the Protocol of Warsaw; therefore, if this singular Note addressed to the Danish Minister, and, as he understood, hitherto withheld from Parliament, was not acquiesced in by Her Majesty's Government, the House would be glad to have any correspondence which showed that it was objected to, protested against, or repudiated. If, on the other hand, it was acquiesced in, it must be regarded as a document which altered in a most material way the terms of the Treaty of London, and then it would be clear that the Treaty of London must never again be submitted to Parliament without being accompanied by a document which so importantly altered its terms. He begged, in conclusion, to ask the Under Secretary of State for Foreign Affairs, Whether the communication of the Note to Her Majesty's Government was received by them with acquiescence, or was the occasion of any Correspondence which can be laid on the table of the House?

MR. LAYARD said, that his hon. Friend opposite, the Member for Launceston (Mr. Haliburton), who had asked a question with regard to the *Chesapeake*, had very properly abstained from making any remarks upon the part of the case which was still the subject of judicial inquiry, and he (Mr. Layard) should, of course, pursue a similar course. With regard to the seizure of the vessel, his hon. Friend had stated correctly what had taken place. It was well known that some agents of the Confederate States took a passage on board the *Chesapeake*, that they rose on the captain and crew, killed one of the officers and wounded two others, put the captain and crew on board a pilot boat, and finally carried off the vessel and took refuge in a harbour of Nova Scotia, called Sambro. An American gunboat entered that harbour and carried off the vessel illegally and by force. As soon as information was received of what had taken place, Her Majesty's Government sent instructions to Lord Lyons, to ask for an immediate explanation, and for redress in case the statement which they had received proved to be correct. But he was happy to be able to state, that long before Lord Lyons received those instructions, Mr. Seward, of his own accord, having heard of the occurrence, but being at first doubtful as to what the facts really were, expressed to Lord Lyons the intention of the United States Government to afford ample satisfaction, if the statement made with regard to the occurrence should prove correct. When Mr. Seward ascertained what the facts really were, he lost no time in making a full and ample apology, expressing his regret for what had taken place; and that part of the question, therefore, was settled. He had no objection to lay on the table the papers connected with the seizure of the *Chesapeake;* but as some time might elapse before the papers could be produced, he thought it only just to Mr. Seward to read the despatch written by that gentleman to Lord Lyons, and the answer returned to it by his noble Friend the Foreign Secretary. Mr. Seward's despatch was as follows:—

"Department of State, Washington,
January 9th, 1864.

"The undersigned Secretary of State of the United States has the honour to present his respects to the right hon. Lord Lyons, accredited to this Government as the Minister Plenipotentiary of Her Britannic Majesty, and to state that he has submitted to the President certain papers which were placed in the hands of the undersigned by his Lordship on the second day of this month, and which are described as follows: 1. Memorial of Susan Henry; 2. Affidavit of John E. Holt; 3. Memorial of John E. Holt; 4. Affidavit of John E. Holt; 5. Provincial Secretary to the Mayor of Halifax, December 19th, 1863; 6. Mayor of Halifax to Provincial Secretary, December 19th, 1863; 7. Same to same, December 22nd, 1863; 8. City Marshal to Mayor of Halifax, December 21st, 1863; 9. Police-constable Hutt to City Marshal, December 21st, 1863. The undersigned is authorized, in the first place, to express to his Lordship his appreciation of the delicacy of manner in which his Lordship has thus, without formal complaint, brought to the notice of this Government the fact that the commander and other officers of the United States' steamer *Ella and Annie* in their recent visit to Halifax, in pursuit of pirates who had captured the American steamer *Chesapeake*, and taken refuge within British jurisdiction, directly violated the sovereignty of Her Majesty, by the assumption of power and authority in the name of the United States, as well on board the said steamer *Chesapeake* as on board the British schooner *Investigator*, while within British waters, without having obtained consent thereto of the authorities of Her Majesty's Government there or elsewhere. The undersigned observes that in some of these papers it is represented that the acts of power and authority referred to were attended with circumstances of severity, rigour, and insult to British subjects. The undersigned, however, thinks, that it sufficiently appears from the papers that the rigour and severity alleged were not greater than were necessary to secure the persons of the pirates, in pursuit of whom the officers complained of were engaged, and to deliver them up to the British authorities of that place. He hopes that this view of the case may be taken by Her Majesty's Government. The undersigned would observe, in the next place, that the *Chesapeake* and the prisoners were promptly delivered to those authorities, in compliance with the instructions of this department. The undersigned is further authorized to assure Her Majesty's Government in the spirit of a former communication made by the undersigned to his Lordship, relating to the capture of the *Chesapeake* in British waters, that the President disapproves and regrets the acts of force, power, and authority which was exercised by the officers of the *Ella and Annie* within British waters on the occasion mentioned, as the violation of the law of nations and of the friendly relations existing between the two countries, so greatly to the satisfaction of the United States, and to the advantage of both nations. The President has reason to believe that the proceedings thus disapproved were taken by the officers concerned under the influence of a patriotic and commendable zeal to bring to deserved punishment outlaws who had offended against the peace and dignity of both countries. The President, while he recognizes this circumstance as modifying the character of the transaction and mitigating the censure to be bestowed upon it, nevertheless freely concedes that it does not constitute a justification for the violation of the sovereignty of Great Britain, which those officers have committed. He has, therefore, directed that they shall be censured for this violation, and he will take such other means as may be necessary to prevent a recurrence of the grievances complained of. Fully determined to make all the amends that are due to Great Britain in the premises, the undersigned will await the consideration of Her Majesty's Government upon the case as it has now been submitted. The undersigned avails himself, &c. "W. H. SEWARD.

"The Lord Lyons, &c."

In reply to that despatch, Lord Lyons was informed as follows:—

"Foreign Office, Feb. 3, 1864.

"My Lord, your several despatches of the numbers and dates specified in the margin, respecting the case of the *Chesapeake*, together with the papers which have been received by the Secretary of State for the Colonies from the colonial authorities in North America, have been submitted to the Law Officers of the Crown, for their opinion on the different questions raised in them. The greater part of those questions have reference to the administration of the law in the colonies, and I need not trouble your Lordship with the view taken of them by the Law Officers of the Crown. The Secretary of State for the Colonies, to whom I have communicated the opinion of the Law Officers, will doubtless give full instructions to the several colonial authorities. The readiness which Mr. Seward, in his first communication with your Lordship, manifested to make all proper and suitable reparation for the acts of the United States' officers, has rendered it unnecessary for me to insist upon the questions which, under other circumstances, it would have been my duty at once to instruct your Lordship to discuss with the Government of the United States—namely, the wilful and flagrant violation of Her Majesty's territory by the officers of the United States' cruiser *Ella and Annie*. The Government of the United States having subsequently made, as reported in your Lordship's despatch of the 12th January, a full apology for the violation of Her Majesty's territory, committed by its officers in the case of the *Chesapeake*, it is only necessary for me to authorize your Lordship to state to Mr. Seward, that Her Majesty's Government accept that apology in the same spirit in which it has been offered, and are truly glad that the matter has been settled in a manner honourable to both parties, and calculated to improve the friendly relations which Her Majesty's Government are always anxious to maintain with the Government of the United States. I am, &c.,

"RUSSELL."

He (Mr. Layard) trusted that this apology and the answer of his noble Friend would be satisfactory to his hon. Friend and the country. His hon. Friend the Member for Bridgewater (Mr. Kinglake) had made what he evidently thought an extraordinary discovery in an extraordinary manner; and for his own part he felt anxious to know what were those peculiar sources of information which had led his hon. Friend to the discovery of the document of which he had made a translation. It might, however, have saved his hon. Friend some trouble if, instead of applying to those mysterious sources, he had come either to himself or had consulted the librarian of the House, who was always so ready to assist every Member, in which case he would have found that a copy of the original document, with a translation, was laid upon the table of the House no longer ago than 1856. He would have found that it was moved for by Mr. Hutt; and he would have obtained access to the Protocol of Warsaw relating to the Danish

Succession, to the Treaty of 1852, and the Note of Baron Brunow with its inclosure, and he would have found that the Note and its inclosure were communicated to Lord Malmesbury, at that time Minister for Foreign Affairs. Lord Malmesbury simply acknowledged its receipt. No correspondence whatever took place, and therefore there was no correspondence to lay on the table of the House beyond the simple acknowledgment. Into the important question of the nature and value of the Protocol of Warsaw, it would not be right that he should follow his hon. Friend. It was a question of very great importance, and one on which it would not become him, at the present moment, to enter.

MR. ROEBUCK said, that the hon. Member for Bridgewater (Mr. Kinglake) appeared to belong to that nondescript class of politicians who were singularly fortunate in finding "mare's-nests." This was a very large nest, but its dimensions were entirely owing to the inflation the matter had received in the present discussion. He would suppose a simple transaction—the ordinary case of a contract between A and B. If A chose to write a note to C, could any one say that such a note would in any way alter the effect of the contract between A and B? The five Powers of Europe entered into a treaty, and the Minister of one of them chose to write a Note to the King of Denmark about some portion of that treaty. The treaty itself remained unaffected by that Note, which became waste paper, and the hon. Member for Bridgewater amused himself by translating it.

Main Question put, and *agreed to.*

SUPPLY.—COMMITTEE.

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

INSANE PRISONERS ACT AMENDMENT BILL—[BILL 4.]—COMMITTEE.

Order for Committee read.

(In the Committee.)

Clause 1 (Repeal of 3 & 4 *Vict.* c. 54, s. 1), *agreed to.*

Clause 2 (Prisoners becoming insane, Two Justices may inquire, with Medical Aid, respecting such Insanity).

MR. GATHORNE HARDY, who had given notice to move Amendments in Clause 2, line 12, to leave out "death," and in Clause 2, line 20, after "appoint," to insert—

> "If any person imprisoned in any prison, under sentence of death, shall be certified by two or more of the visiting justices of such prison to have become insane since his conviction, one of Her Majesty's principal Secretaries of State shall, on receipt of such certificate, forthwith issue a commission to three Commissioners to be selected by him, not more than one of whom, if any shall be of the medical profession, to inquire into the truth of such certificate; and such Commissioners are hereby empowered to examine such person, and to take evidence on oath of such witnesses as they may deem necessary; and such Commissioners shall report their proceedings, with the evidence, and their decision thereon, to such Principal Secretary of State; and in case they shall adjudge that such person has become insane since his trial, then such Secretary of State shall issue his warrant for the removal of such person to some lunatic asylum for the reception of criminals;"

said he would now move an Amendment to omit the word "death" in the second line of the clause, which would be sufficient to raise the question which he desired to have discussed. His object was to define and limit the power of the Secretary of State in cases where sentence of death had been passed.

The operation of the Bill ought in his opinion to be confined to insanity arising in the period between conviction and execution; and if it were intended by the Government to reinvestigate the question of insanity either at the time the offence was committed, or at the subsequent period of arraignment, that end ought to be attained by some different machinery. He saw an Amendment on the paper of his hon. and learned Friend the Member for Truro (Mr. Montague Smith), to delegate the inquiry into the sanity of a prisoner, after certificate of the justices, to one of the Masters in Lunacy and a jury. But though that seemed a plausible he did not think it would be a satisfactory proposition. A jury required the direction of a leading mind, and he was far from being satisfied that they were easily directed to a right conclusion. In a pamphlet by Dr. Hood it was stated that, in the six years from 1852 to 1858, 120 persons were tried for murder or attempts to murder, or for acts of personal violence, and were acquitted on the ground of insanity. Of that number, seventy-nine were received into Bethlehem Hospital, but in several instances they exhibited no symptoms of insanity during their residence in the asylum. That showed the way in which juries acquitted prisoners where there was no ground for saying they were insane; and the risk would be greater if their decision in favour of sanity was to be immediately followed by the punishment of death. He thought that when a man had been convicted by a jury of his countrymen, he should be dealt with as a State prisoner, and that the State should undertake the charge of investigating the condition of his mind. When the visiting justices certified that a prisoner had become insane, Commissioners should be sent to examine the prisoner, and to call such witnesses as they deemed fit; and upon their Report the Secretary of State should act, without any responsibility attaching to him. The mode which he should propose in a subsequent Amendment, of sending three Commissioners, not more than one of whom should be of the medical profession, was, he thought, better than that of a jury, which was suggested in the Amendment of his hon. Friend. He begged to move the omission of the word "death" in line 12 of the Clause.

Amendment proposed, in page 1, line 12, to leave out the word "death."—(*Mr. Gathorne Hardy.*)

Mr. NEATE said, he concurred with the hon. Gentleman (Mr. Gathorne Hardy) as to the principle embodied in his Amendment, although he differed with him as to the mode in which it should be carried out. He would suggest that it should be left to the Governor of the gaol, as well as the visiting justices, to put the machinery of the law in motion. In many respects the Governor was a better person to exercise the power than visiting justices, who were frequently selected merely on account of their near residence to the gaol. In his opinion, the law, with regard to insanity, was not merely unsatisfactory but was contrary to humanity and common sense, and he believed that the Judges would willingly dissent, if they could, from the exposition of the law contained in the Answers of the Judges to the question proposed to them in M'Naughten's case. In the eye of the law, normal and habitual insanity was no defence whatever. The question considered upon a plea of insanity was, whether the prisoner was insane at the time the act was committed, and in reference to the circumstances under which it was committed. Supposing a man acted under the influence of a delusion for which there was no reasonable ground, according to the law he might be liable to its extreme penalty. For instance, if a man supposed that another man's house belonged to him, and went with a loaded pistol demanding admission, and on being refused shot the person dead, although he acted under the influence of an insane delusion, and was subject to delusions shutting him out from intercourse with society, and was not able to know that the house of his neighbour did not belong to him, yet, according to the opinion of the Judges as to what the law was, he would be liable to the extreme penalty of the law. The inquiry should therefore be, not whether a prisoner had become insane since his conviction, but whether he was habitually and normally insane, which was, and ought to be, a sufficient ground to exempt him from punishment.

Mr. MACDONOGH said, the Judges of the land had, with great ability and humanity, laid down the law with regard to insanity, and it was absolutely necessary for the protection of society, that every one who knew the consequences of his acts should suffer the penalty imposed for his offence, and that they should not be mystified by the advocates of the new and singular doctrine of moral insanity, that the more depraved a man might be the more should he be exempt from punishment. Such a doctrine was unchristian and unworthy the law of England. It was clear, that from the time of a man's conviction he should be in the hands of the Secretary of State, and that nothing should save him but the exercise of the Crown's prerogative of mercy. The object to be achieved was, to furnish due information to the Secretary of State as to the state of the prisoner's mind. He did not think that this should be left to the justices. There were only two modes of doing it effectually—first, by an inquiry by a jury; and secondly, an inquiry by a Commission. He thought that an inquiry by a Commission—not of medical men, but of men of intelligence and station, who might consult experts if necessary, was the true species of tribunal to whom this important authority should be consigned. He therefore approved of the Amendment proposed by his hon. Friend.

Sir GEORGE GREY said, he had considered the Amendments of the hon. Gentleman (Mr. Gathorne Hardy) very carefully, but he had failed to satisfy himself that they would be an improvement. Suppose a man charged with a capital crime but not yet put upon his trial—if the Amendments were adopted, the very day before his trial he might be examined by two visiting justices and two medical men, and the Secretary of State would be bound to act upon their report. Sometimes a long interval takes place between commitment and trial. Take the case of Townley. He was committed on a charge of murder, and was imprisoned for some months before trial. At any time before his trial this certificate might have been signed, according to the Amendment, and he would have been withdrawn from the cognizance of a judicial tribunal. The hon. Member, as he understood, proposed not that there should be a representation by the visiting justices of a prisoner's insanity, but that they should certify to the fact of his insanity. This would be the only instance in which two laymen, as distinguished from medical men, had been empowered to certify the existence of insanity. There were cases in which two medical men might sign, and others in which visiting justices and medical men might jointly sign, but none in which laymen were to sign alone. To that extent the hon. Gentleman proposed an innovation on the existing law; because, although the opinion of two laymen in cases of insanity might be of value, it ought not, in his opinion, to be entirely unconnected from that of medical men. The hon. Gentleman then proposed that, on the certificate of two justices that a prisoner was insane, the Secretary of State should send down a Commission to consist of three members, only one of whom should be a medical man, with power to inquire into the prisoner's sanity, that their certificate should be final, and that no discretion should be left to the Secretary of State in the matter. The course suggested was very much like that which he had taken in sending the Lunacy Commissioners to inquire into Townley's case. They consisted of two laymen, members of the Lunacy Commission, and one medical man; and what was the result? They produced a report which was evidently a compromise. They expressed an opinion that Townley was not of sound mind; but that, according to the law laid down by the Judge, he was rightly convicted. If the present Bill had then been the law, with the hon. Gentleman's Amendment, the certificate of this Commission would have been final, the Secretary of State would have had no discretion, and he must have transferred Townley to a lunatic asylum. The final report made by four medical men of great experience was more satisfactory. He thought it would be better that there should be a certificate from the visiting justices and the medical men, and that the Secretary of State, being thus put in motion, should appoint those persons whom he thought best qualified to examine the prisoner and report their opinion to him. The Bill would, no doubt, increase the responsibility of the Secretary of State, but that could not well be avoided with due regard to the proper administration of justice.

LORD ROBERT CECIL said, that the right hon. Gentleman in objecting to put prisoners under sentence of death in a different position to other prisoners had failed to notice the peculiar state of public opinion on the subject of death punishment. Among a small section of the public there was a strong opinion against the punishment of death, and that feeling was entertained so vehemently, that no scruples would prevent some of those who shared it from putting into work all the machinery which might exist for the purpose of saving a criminal from his fate. It was necessary, therefore, to treat the position of these prisoners as exceptional, and to take special precautions to prevent people signing their names to statements which they did not believe for the sake of getting them off. The weak point of every such tribunal as that proposed was, that it would consist more or less of medical men. Now, the medical and legal theories of insanity entirely differed from each other. Medical insanity simply meant something wrong in the structure of the brain, or in the performance of some of the functions connected with it. It might or might not affect the personal responsibility of the patient, and might be quite consistent with a full knowledge of the nature of a crime and its consequences. There was no reason for excusing a man from the penalty of his crime because he was, in a medical sense, insane. But there was an insanity which was an excuse for crime, and that kind of insanity had been defined by the Judges, and was acknowledged to be the legal doctrine on the subject. It had been excellently laid down by the Judges in M'Naughten's case, where it was ruled that ignorance of the nature of a crime and of the consequences which would flow from it were necessary to exculpate a criminal. The worst of appointing medical men on a tribunal to try the sanity or insanity of a prisoner was, that they were sure to go off on a wrong scent. They would be thinking of medical insanity, when the point they were put to judge of was, whether a man was legally insane or not. The position of medical men in such cases should be that of a witness, not of judge. He had never been able to see why insanity after trial should not be judged of in the same way as insanity before trial—by a Judge and jury. If that tribunal was the fittest for the one investigation, it was the fittest for the other. Those who were conversant with foreign jurisprudence would be aware, that in some countries insanity was tried by a jury, and he regretted that this had not been introduced into the present Bill. He thought the Amendment was an improvement on the Bill, but it did not go far enough; he was convinced that we should never arrive at a proper condition of the law, and never relieve the Secretary of State from a burden which pressed heavily upon him, and which exposed him to constant obloquy, except by having recourse to the ancient and tried system of trial by jury.

MR. NEATE said, that the noble Lord (Lord Robert Cecil) had taken the bull by the horns, for he had gone the full length of the legal doctrine of insanity, and held that if a madman in a lunatic asylum should murder his keeper, he ought to be brought out and hanged. [Lord ROBERT CECIL: No, no!] If the doctrine laid down by the Judges were carried out to its full application that must be the result. In a conversation he had had with Dr. Forbes Winslow that morning, that distinguished physician told him that he had lately subjected three patients under his care, all hopeless and incurable lunatics, to the test laid down by Baron Martin—that they should know the nature of an offence, and the legal consequences which would flow from it, and all three of them had given such answers as would have placed their lives in jeopardy. "If you were to shoot a man with a pistol what would be done to you?" was the question he put; and one answered that he should be hung, the second that he should be hung here but guillotined in France, and the third said that he should be hung only that he was a lunatic. Nothing could rescue us from a continued difference between the present state of the law and common sense and humanity but an inquiry which would reconcile the conflicting doctrines of medical and legal insanity.

MR. GATHORNE HARDY said, the question was not at all that which the hon. Gentleman (Mr. Neate) had put before them. If there was any error in the administration of justice, it was rather on the side of acquittals on the ground of insanity than improper conviction of lunatics. What he desired the House to consider was whether, in the case of persons capitally convicted, who were alleged to be insane, the question of sanity should not be inquired into by the same rules as were applied to other cases. The Bill should be confined to cases of insanity arising after trial. In the case of a prisoner insane before trial, there were two courses open to follow. In the case of the prisoner being evidently mad, he was not to be put on his trial at all; but the Secretary of State had power to order his removal to a lunatic asylum at once. But if it were a doubtful case, the question would be raised at the trial, and the verdict of the jury would decide it. His opinion was, that the verdict of the jury should be conclusive down to the time of the verdict; and if the law were not satisfactory on that matter, let it be amended. Then came the question as to insanity of the prisoner after trial. In the case of a man under capital sentence the time was so short, and it was so important that he should not be removed until the question was settled, that all that should be required was that the visiting justices should certify that the man appeared to have become insane. The right hon. Gentleman said, it would be dangerous not to call in medical witnesses, and the hon. Member for Oxford (Mr. Neate) would include the Governor of the gaol; but the Governor of the gaol was the servant of the visiting justices, and it would never do to call him in. He would report to the visiting justices if he thought the prisoner insane, and so would the medical officer of the prison. But the visiting justices having reported that the prisoner was insane, there should be an inquiry—his noble Friend (Lord Robert Cecil) said by a jury. But a jury did not appear to him (Mr. G. Hardy) for such a purpose a very efficient tribunal. What was wanted was some sort of investigation into the man's state, by an examination of the man, such as could not take place at the trial. In such an issue there would not be proper parties to bring forward the evidence for and against insanity; and the jury could not examine the prisoner for themselves, as Commissioners could. In the case of Townley the decision of the last Commissioners was entirely founded on their own personal examination of him. It would be much better that medical men should be called in as experts than as judges. Both theoretically and practically, the medical man would take a very different view from what a jury or barrister would take. The right hon. Gentleman seemed to think that he (Mr. G. Hardy) was inconsistent in proposing a Commission in which medical men should sit; but, if he examined his proposition, he would find that he left it optional with the Secretary of State to appoint a medical man on the Commission, or not. But what the House was now called on practically to decide by his Amendment was this:—Whether a man under sentence of death should be treated in the same way as a man under sentence of a few weeks' imprisonment or penal servitude? Should there not be once for all an investigation into his sanity, and with as little delay as possible? If a Judge and jury were to be called in, it could not be done promptly enough, for the Judges might be otherwise engaged. For these reasons, he had come to the conclusion, that it was necessary that Commissioners should be sent down forthwith, and should certify to the Secretary of State. What he wished the Committee to determine now was, whether by taking the word "death" out of the clause, cases of those under sentence of death should be left to be decided by some other tribunal than that which was sufficient for ordinary cases? If the House agreed to his Amendment, he should ask the Committee whether the inquiry should be by Commissioners, or before a jury.

MR. MONTAGUE SMITH said, he was pleased that the noble Lord (Lord Robert Cecil) had come to the conclusion that a jury would be the best tribunal, but a private Member had no chance of getting his views carried into effect. The question was, whether prisoners under sentence of death should be put precisely under the same conditions as prisoners confined for slight offences? In former times there was no question whether prisoners under sentence of death should be put on the same footing as other prisoners, for their execution generally took place within forty-eight hours from the passing of the sentence. The word "death" was introduced for the first time in the 3 & 4 *Vict.* by the late Marquess of Normanby in the other House, and adopted without discussion, the noble Marquess having stated that there was no novelty in the matter. But there was very great novelty, because it altered the law, and altered it in such a manner as not to fit the case of persons under sentence of death. With regard to the retention of the word, he should prefer its omission, and that the whole matter should be left to the Secretary of State rather than have this wretched legislation about visiting justices. If the matter was left to the Home Secretary he might, before he advised the Crown to exercise its prerogative, inquire by any means he thought fit into the prisoner's insanity; but he would be fettered by such legislation as was now attempted. It was virtually giving to two justices and two medical men the power of interfering with the prerogative of the Crown. In his (Mr. Montague Smith's) opinion, the inquiry should originate with the responsible Minister of the Crown. The Bill, as the right hon. Gentleman desired to pass it, was a most absurd piece of machinery. It was made mandatory on the magistrates to grant a certificate. [SIR GEORGE GREY: Not at all.] It would certainly appear so from the Bill. The Bill stated, that if the prisoner "shall appear to be insane" then the visiting justices were, with the assistance of two medical men, to make an inquiry into the sanity of such person. But to whom was it to appear that the prisoner was insane? To anybody? He conceived that the visiting justices would be placed in extreme difficulty by this clause, and that the proposed legislation would not be found to operate in a satisfactory manner. Again, how were they to construe as mandatory, words that were in their terms conditional? If a certificate of insanity was signed by the visiting justices and medical men it was to be sent to the Home Secretary, and then arose the question, what ought to be the next thing done? Now that the interval between the judgment and the execution was no longer restricted to forty-eight hours, there was time for a formal inquiry; and if they were to have any legislation at all, it would be better to have recourse to the old and constitutional inquiry by a jury. But, for himself, he thought it was best to leave the matter as it stood, and to leave the inquiry and the responsibility to the Secretary of State.

SIR GEORGE GREY said, that the Amendment actually before the Committee, did not, in fact, raise the whole question at issue, as would appear from the opposite views of the two hon. and learned

Gentlemen. He (Sir George Grey) could not help thinking, that if the case were to stand over to the next assizes, the interval which would elapse would amount to a remission of the capital sentence. The same result would follow if the case was sent before a Master in Lunacy. He entirely agreed with the hon. Member for Leominster, that that would be in fact only a means of evading the execution of the law. The Amendment of the hon. and learned Gentleman would take away a grave responsibility from the Secretary of State. Of course, if the House were willing to consent to that, the Secretary of State would be relieved; but he (Sir George Grey) thought the result might be an interference with the due execution of the law. With regard to the proposition before the House, he thought it was right in the first instance to require a solemn declaration from the visiting justices and medical men of the insanity of the prisoner; and then the Secretary of State, on his own responsibility, which he could not shrink from, would take that course which he deemed best calculated to meet the requirements of the case. With regard to the observation that the words "if it should appear," might mean if it should appear to "anybody," he wished to say that he believed there was no doubt that the true construction of those words was that the matter in question must appear to the persons who were to act.

Sir WILLIAM JOLLIFFE felt an objection to the local nature of the inquiry suggested by the Secretary of State. The visiting justices and the medical man who would sign the certificate would, in most cases, be residents of the neighbourhood; and judging from what had recently occurred—for it was impossible to disembarrass the mind of it—it would be easy to find persons who were influenced by the prejudices or passions of the locality. Before the Secretary of State was put in motion, some more solemn representation than what was required in this Bill ought to be necessary.

Mr. HUNT feared that if the Bill became law they would not be in any better position than heretofore. He would put a case. Let them suppose a man adjudged to the sentence of death who had pleaded insanity, but had had the plea decided against him. If two medical men and two visiting justices after the sentence certified to the Secretary of State that the man was insane, and the Secretary of State by virtue of this certificate removed him to a criminal lunatic asylum, the country generally would not be satisfied that justice was done. It would not be endured that the certificate of four gentlemen, without the assistance of counsel or the attendance of the public in this inquiry, should virtually reverse the decision of the Judge and jury. It might be said that the certificate was given, not upon the question whether the condemned man was insane at the time of his trial, but whether he had become insane since the sentence was passed upon him; yet the impression on the public mind would be otherwise. In the recent case the medical man was called upon to state his opinion of the prisoner's state of mind from the insanity of members of his family; but if he was not responsible for his actions at the time of that inquiry, on the same ground he could not be held responsible at the time that he committed the offence; and it would be simply preposterous to set up this conclusion against the finding of the jury. In fact, to raise this question of insanity after the trial would be to give the go-bye to the real issue. It was said that the visiting justices were selected by the bench of magistrates, because of their great experience; but he (Mr. Hunt) believed they were generally selected because they resided near the gaol, rather than for any other reason. It seemed to him that under this Bill, if a prisoner under sentence of death could only persuade the surgeon of the gaol that he was mad he would save his life, for the surgeon was bound to bring the matter before the justices, and his opinion would be sure to have almost irresistible weight with the latter. If the visiting justices wanted assistance in their inquiry they would either call in a medical man of the locality, or else would take the evidence of a "mad doctor." He (Mr. Hunt) had very little faith in these lunatic doctors. The medical man in the case of Townley's inquiry said, if a man had a perverted moral sense to an extraordinary degree, he was not to be held responsible for his actions. But he (Mr. Hunt) said that all criminals had a perverted moral sense: for malice and a premeditation to murder were perversions of the moral sense. And if any two Members of that House, hearing the evidence of a medical man with such a reputation as Dr. Forbes Winslow, without any cross-examination, were called upon to give a decision, it was easy to anticipate the result. He (Mr. Hunt) believed that Dr. Winslow had run mad himself on the doctrine of insanity; and there was hardly a Member in that House who would not be pronounced by that gentleman insane. Indeed, he (Mr. Hunt) would be sorry to subject himself to him for examination, though his perverted moral sense might not be of the strongest degree. The country would not be satisfied to have criminals reprieved on the certificate of two visiting justices and two medical men after a private investigation in the gaol; and what he wanted was that the Home Secretary's duties should be defined by Act of Parliament, in the event of a similar popular outcry as was raised in Townley's case. The question then before the Committee was not the tribunal before which an inquiry should be made, but when it came before the Committee he should be prepared to express his opinion on it. There should, he thought, be a distinction between the cases of prisoners under sentence of death and those under lighter sentences; because the motive was strong in a man under sentence of death to set up a plea of insanity, and his friends would be anxious to assist in it to save themselves from the disgrace of a public execution. Besides that, there were also persons ready to come forward from philanthropic motives to save a fellow-creature from the gallows, and if the Bill was passed in its present form he ventured to assert that in almost every case they would do so. He therefore hoped the right hon. Gentleman would consent to exempt prisoners condemned to death from the operation of this Bill. Should the Committee decide on the investigation taking place, either before a jury or a commission, he hoped the examination would take place in public. He saw no reason why the criminal should not be examined before them as was now done in the case of persons who were supposed to be incapable of managing their affairs on account of insanity.

SIR COLMAN O'LOGHLEN said, the real question before the Committee was, whether or not there should be a different mode of dealing with prisoners after sentence in the case of death, and those who were under sentence for a term of imprisonment or penal servitude. In his opinion, the weight of argument was adverse to the opinion entertained by Her Majesty's Government on the question. He believed that it was only *per incuriam* that persons under sentence of death were included in the Act of 1840. Persons under capital sentence were not included in 10 *Geo.* IV., which was still the law in Ireland, but it was introduced in the Act of 1840, probably from its not occurring to the then Parliament that it involved such a serious question. He agreed in opinion with the proposition urged by the hon. and learned Member for Truro (Mr. M. Smith), that the inquiry into the soundness of mind of a criminal after sentence of death should not be a hole-and-corner proceeding, but publicly, so that the public might have an opportunity of being present, and of knowing that the witnesses were properly examined. It was a principle well known to the common law, and was so stated in a passage of Lord Hale, quoted on a former occasion, that not only should such an inquiry take place after verdict and before judgment, but after sentence had been passed. The revised code of New York adopted the principle, and it had been acted upon in America for the last fifteen years, and had been found to work well. No delay need take place under such an inquiry longer than ten days or a fortnight. The present Bill proposed to give the Home Secretary a discretionary power; and why, if he found it necessary to make further inquiry into the matter, should it not be done before a jury or a Commission openly? It would be more consistent with public opinion that the inquiry should take place before a jury.

Question put, "That the word 'death' stand part of the Clause."

The Committee *divided*:—Ayes 32; Noes 26: Majority 6.

AYES.

Blake, J.
Bruce, H. A.
Cardwell, rt. hon. E.
Clay, J.
Clifford, C. C.
Clifford, Colonel
Cobbett, J. M.
Craufurd, E. H. J.
Crawford, R. W.
Dillwyn, L. L.
Ewing, H. E. Crum-
Grey, rt. hon. Sir G.
Henley, rt. hon. J. W.
Hennessy, J. P.
Knatchbull-Hugessen, E.
Layard, A. H.
Lawson, W.
Martin, J.
Montgomery, Sir G.
Neate, C.
Palmer, Sir R.
Palmerston, Viscount
Peel, rt. hon. Sir R.
Peel, J.
Potter, E.
Powell, J. J.
Scourfield, J. H.
Seely, C.
Tollemache, hon. F. J.
White, L.
Wyld, J.
Yorke, J. R.

TELLERS.

Mr. Brand
Sir W. Dunbar

NOES.

Addington, hon. W. W.
Archdall, Captain M.
Brooks, R.
Cargill, W. W.
Clifton, Sir R. J.
Cox, W.

Disraeli, rt. hon. B.
Duke, Sir J.
Dunne, Colonel
Fraser, Sir W. A.
Gard, R. S.
Hay, Sir J. C. D.
Hotham, Lord
Hunt, G. W.
Jolliffe, rt. hon. Sir W. G. H.
Langton, W. Gore
Lanigan, J.
Lloyd, T.
Longfield, R.
Macdonogh, F.
Morris, D.
O'Brien, Sir Patrick
O'Loghlen, Sir C. M.
Smyth, Colonel
Somes, J.
Stacpoole, W.

TELLERS.
Mr. G. Hardy
Mr. M. Smith

MR. GATHORNE HARDY said, he should not, after this division, move his other Amendment.

SIR WILLIAM JOLLIFFE said, he had given an Amendment to his right hon. Friend (Sir George Grey), and he hoped the right hon. Gentleman would consider it before the Report.

SIR GEORGE GREY said, the Amendment related to certain facilities in sending criminals from one asylum to another, and it should be considered on the Report.

MR. HUNT regretted that the important discussion which had just taken place had not occurred in the presence of a greater number of Members. Considering the small majority by which it had been decided to retain the word "death" in the clause, and considering also that some of those who had voted in that majority had not heard the discussion, but had come in to vote, he would urge upon the hon. and learned Member for Truro (Mr. M. Smith), or the hon. and learned Member for Leominster (Mr. G. Hardy), to raise the question again upon the Report, in order that the House might have an opportunity of reviewing its decision.

Clause *agreed to.*

Remaining clauses *agreed to.*

MR. W. G. LANGTON moved the insertion of a clause (the charge of maintenance of insane prisoners to be borne by the common fund of the Union.)

SIR GEORGE GREY assented.

Clause *added.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Tuesday* next

POOR RELIEF.—SELECT COMMITTEE.

Select Committee *appointed,*

"To inquire into the administration of the Relief of the Poor under the Orders, Rules, and Regulations issued by the Poor Law Commissioners and the Poor Law Board, pursuant to the provisions of the Poor Law Amendment Act, and into the operation of the Laws relating to the Relief of the Poor."—(*Mr. Villiers.*)

And on Wednesday, February 24, Committee *nominated,* see p.p. 1052-3.

INCLOSURE BILL.

Bill to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered* to be brought in by Mr. BRUCE and Sir GEORGE GREY.

Bill *presented,* and read 1°. [Bill 26.]

LAND DRAINAGE (PROVISIONAL ORDERS) BILL.

Bill to confirm certain Provisional Orders under "The Land Drainage Act, 1861," *ordered* to be brought in by Mr. BRUCE and Sir GEORGE GREY.

Bill *presented,* and read 1°. [Bill 25.]

CATTLE, &C., IMPORTATION BILL.

Bill for the amendment of the Law relating to the Importation of Diseased Cattle and Unwholesome Meat, *ordered* to be brought in by Mr. BRUCE and Sir GEORGE GREY.

Bill *presented,* and read 1°. [Bill 28.]

CATTLE DISEASES PREVENTION BILL.

Bill to make further provision for the Prevention of Infectious Diseases amongst Cattle, *ordered* to be brought in by Mr. BRUCE and Sir GEORGE GREY.

Bill *presented,* and read 1°. [Bill 27.]

House adjourned at a quarter after Ten o'clock, till Monday next.

HOUSE OF LORDS,

Monday, February 22, 1864.

RAILWAY SCHEMES (METROPOLIS).

OBSERVATIONS.

THE EARL OF DONOUGHMORE called the attention of the noble Earl the President of the Council to a paragraph which had, he said, appeared in *The Times* newspaper of that morning, and which was to the following effect:—

> "It is understood that the Joint Committee of the Lords and Commons, of which Lord Granville is chairman, have decided to recommend the adoption of the inner circle portion of the Metropolitan District Railway scheme. With regard to the proposed north and south junction line, for connecting railways north and south of the Thames by means of a high level bridge, they prefer a junction line that shall utilize the Thames Tunnel, and thus connect the northern and southern railways without in any way obstructing the navigation of the Thames."

He could not for a moment believe that that paragraph had been inserted on the authority of the noble Earl, but it would be, at the same time, satisfactory that he should rise in his place and disclaim all responsibility in connection with it. It was, he thought, exceedingly undesirable that any premature information on so important a subject should be circulated in the newspapers.

Earl GRANVILLE said, that he had had nothing whatever to do with the communication in question. He might further add that the announcement was premature, for the Committee had not only not agreed to any Report, but those members of it who had been requested to draw up a draft Report had not yet performed that duty.

ROYAL ARCADE BILL.

Order of the Day for the Second Reading read.

Several Petitions in favour of and against the Bill *presented.*

Lord REDESDALE *moved* "That the Bill be now read 2ª." The noble Lord said that he desired to be understood as expressing no opinion for or against the Bill.

The Earl of DERBY said, that he had two petitions to present, to one of which, in pursuance of a notice which he had given, he desired to call the special attention of the House. This petition was signed by considerably more than 400 of the most respectable inhabitants of St. James's, the signatures comprising those of the whole of the clergy, of four medical men, and of a considerable number of the largest firms in the neighbourhood. There were besides 150 signatures of householders residing in Bond Street, and 130 of householders residing in Regent Street, who were all opposed to the Bill. The object of the Bill was to carry from Regent Street to Bond Street a covered Arcade, to occupy the whole length of that irregular parallelogram which was bounded by Clifford Street and Burlington Street on the one side, and by Conduit Street on the other, extending to between 400 and 500 yards in length. There was attached to the Bill, probably for the purpose of obtaining for it more favourable consideration, a proposal to widen Bond Street. No doubt Bond Street was very insufficient for the traffic passing through it, and the widening it through its whole length, or in the narrowest parts, would be very desirable; but the proposed widening extended only to about twenty-seven yards, near Clifford Street, and did not touch the narrowest point at all. As a public ground for interfering very freely, as this Bill did, with the rights of individuals, he was surprised to see it put forward, and he could only regard it as a pretext to induce their Lordships to adopt the measure. It was worth inquiring who were the promoters of the scheme, and who were its opponents. He would not say a word against the ostensible promoters. There were three names given as those of the gentlemen who formed the committee, and would be the first directors. They were all very eminent in their way:—Mr. Grissell, one of a firm of great contractors; Mr. Smith, a great builder; and Mr. Rolt, a great timber merchant. He dared to say they were very desirous to see a scheme carried out which the Metropolitan Board of Works had described as being in an architectural point of view a great improvement, and he would not find fault with their natural desire to control an expenditure of £400,000, which must call into operation their own several industries and talents. But these three gentlemen were not representing the interests of the locality. They were wholly unacquainted with the parish, and were simply promoting the scheme as a speculation of a commercial character. Who were the opponents? He had already stated that all the clergy of the parish of St. James's, several medical practitioners, and a very large proportion of the inhabitants in the immediate neighbourhood, were opposed to it, and were petitioning against it. The right rev. Prelate the Bishop of London had also presented a petition to the same effect from the trustees of the Burlington schools, the interests of which would be vitally affected. The object was stated to be to make a more direct communication for foot passengers between Regent Street and Bond Street. But the Bill did not give the slightest facility in that respect. On one side there was a passage by Clifford Street and New Burlington Street, and on the other by Conduit Street. Those streets were seventy yards apart, and between Clifford Street and Conduit Street there was not a single street. Therefore, no human being would be accommodated more than at present, except parties living immediately opposite the entrance to the Arcade, and they were one and all violently opposed to the passing of the Bill. He did not deny that this Arcade might afford in bad weather a more convenient mode of passing from Bond Street to Regent Street, and he did not deny that it might be used for purposes of exercise, and also, as the promoters said, for purposes of recreation. But, unfortunately, the respectable inhabitants were strongly prejudiced against the species of recreation which these Arcades were calculated to afford. Their Lordships would recollect that at one time Regent Street possessed a long line of Arcades, and that those Arcades were removed by the Government upon the strong representations that their shelter brought together society not of the most reputable character, who injured the custom of the shops and interfered more especially with ladies. The Burlington Arcade was private property, and every effort was made to prevent the growth of the same evil. But it was notorious from the remonstrances of the respectable neighbours, that at certain hours the Burlington Arcade was the resort of a very large number of the least respectable of the female population of the metropolis. The clergy and the respectable inhabitants of St. James's were not desirous of having an Arcade between Regent Street and Bond Street, which would be certain to attract a very undesirable portion of the community. He did not say that the apprehension of such a result would be sufficient ground to interfere with any work of great public utility; but he did say that the feelings of the more respectable classes ought to be taken into consideration, when it was a question of policy whether they should permit this Arcade or not. He would add also that it was doubtful whether a close Arcade, surrounded by shops and extending a considerable length without any opening to the external air, was at all favourable to health. The promoters urged that the Arcade would pass through old and ruinous property. Undoubtedly it was not first-class property, but it was of infinite importance to the immediate neighbourhood. The promoters were anxious to give the advantage of additional space to the extent of some few feet in Bond Street. But they would appropriate three-quarters of an acre of ground absolutely vacant, and three-quarters of an acre of ground covered only with buildings one story high. The driving this Arcade through the property at the back of Clifford Street and Conduit Street was like shutting up the back door of the houses, and leaving no access except through the front. There were workshops, stables, and other buildings connected with the great trade establishments which had access to the main streets, and this required another outlet at the back, from which they would be debarred by the making of this Arcade. The Burlington schools, which were among the opponents of the Bill, were supported by voluntary contributions, and had been in existence for above 160 years. It had, during that time, constantly boarded, lodged, educated, and fitted for industrial pursuits, fifty girls of the parish of St. James', and a short time since the Trustees had expended £1,100 for the purpose of fitting the building to receive fifty more girls as day boarders, whose payments would assist the voluntary subscriptions, by which the school was mainly supported. This Arcade would pass through the centre of those schools. It was said that it was better they should move somewhere else; but it was almost impossible within a reasonable time and within a reasonable expenditure to obtain a site for such a purpose. It was said that the children would be better in the country. For some purposes they would, but for others they would not. They would be withdrawn from the parish; they would be withdrawn from the parochial ministration of the clergy, and the subscriptions would fall off when the subscribers had no longer the opportunity of personally inspecting and seeing the management of the charity. The space which was required for the Arcade was partly occupied by mews and workshops necessary for the inhabitants of the neighbourhood. In Burlington Mews several large establishments loaded and unloaded their goods without any interference with any public thoroughfare; but if this Bill were passed they would be deprived of that convenience. One large house—Lewis and Allenby—had declared that the loss and inconvenience to them in this particular would hardly be compensated by the sum of £10,000. The property through which the Arcade passed, though it might not be in itself very valuable, was an adjunct to very valuable property, and if the project were carried out, it would compel the occupiers of that property to load and unload all their goods in front of their premises in Regent Street and Bond Street. The injury, therefore, to be done to property, the possible evil of congregating together improper characters, the deprivation of light and air, the destruction of the Burlington school, were of themselves sufficient grounds for rejecting the Bill, even if the people interested were divided on the subject. The noble Lord had presented a petition, signed by four hundred persons in favour of the Bill. He (the Earl of Derby) did not know what locality they inhabited, but it certainly could not be in the vicinity of the proposed Arcade. But with the exception of two small occupiers the whole of the owners and occupiers of the property, through which the Arcade was to run, and the immediate vicinity, were strongly opposed to the Bill and had petitioned against it. In the case of a railway, if all the landowners and occupiers along the whole line were opposed to a Bill, their Lordships would certainly not be disposed to sanction the measure unless a very strong case of public advantage were made out in its favour, and they ought certainly to be as tender of the interest of people in London as of landowners in the country, for the cost of removing one of these great establishments would be proportionably much greater than any injury which could be done to a landowner. The project was nothing but a private speculation, which was petitioned against on sanitary and moral considerations as well as on the grounds of justice, by all those who had any connection with the property, and the chief promoters of which appeared to be a builder, a contractor, and a timber merchant. He knew how loath their Lordships were to reject a Bill on the second reading, but still it would be a great shake to the general confidence in the security of property in London, if persons were compelled to submit to the inconvenience, the risk, and the expense of appearing before a Select Committee, merely to protect themselves against a project which was got up entirely as a private speculation. He would therefore move that the Bill be read a second time that day six months.

Amendment *moved* to leave out ("now") and insert ("this Day Six Months").

THE EARL OF ST. GERMANS said, the vestry of St. George's, Hanover Square, had not yet petitioned against the Bill, but they had passed an unanimous resolution to do so.

EARL GRANVILLE said, he thought that the proper course to pursue in all these cases was, to consider whether the public objects aimed at were of sufficient importance to justify the invasion of private rights. As a general rule, the whole House was not a good tribunal for deciding these questions, which were much better sifted in Select Committees. He could not agree with some of the statements made by the noble Earl (the Earl of Derby). He thought it very desirable that we should have in London some of those fine lofty Arcades which were so pleasant in Paris and other continental cities. Neither did he lay altogether so much stress on what the noble Earl said, as to the species of company which might frequent this Arcade—in fact, what was now known by the cant name of the "social evil." In this country, we were in a very anomalous position by the manner in which we dealt with this subject. We were at great trouble to put down improper houses, and on moral and religious grounds, we took other steps to obviate this great immorality; but, on the other hand, our streets presented an appearance —arising from a feeling of regard for personal liberty—which was almost disgraceful when compared with the streets of any other large town. As to these large Arcades, though he should be sorry to vouch for the respectability of all who frequented the Burlington and Lowther Arcades, yet he was bound to say, being liable, as others of their Lordships were who had to walk home in the evening, to be molested in the public streets, such a thing never happened to him in the large Arcade which was under the superintendence of those gigantic guardians of morality and decorum. As to the unanimous opposition to this Bill by the holders and owners of the property affected, the noble Earl had made out a strong case on that point, which he had no doubt was perfectly accurate—and, indeed, he had been informed by those who had charge of the Crown property, that so great was the feeling against the Bill, that they would have great difficulty in recommending that the Crown's assent be given to it if it were to pass this stage. Under the circumstances, it was clearly undesirable to give the Bill a second reading, thus putting the owners of property to the great expense of appearing against a project which had in view no public object of sufficient importance to justify it.

EARL GREY said, he had heard with great satisfaction the speech of the noble Earl. The House ought to be very careful how it allowed compulsory interference with private property, and it ought not to leave the owners of property to go before a Committee at a great expense in order to preserve their rights, unless there was a strong *primâ facie* case of public necessity.

The Earl of MALMESBURY said, he perfectly agreed with his noble Friend behind him in his statements generally, although he felt it was rather a strong course to take to throw out this Bill upon its second reading. He was also glad to hear the remarks of his noble Friend opposite, because he had gone sufficiently into the subject, and had taken such a view of the matter as would relieve the House from any charge of interfering arbitrarily with what some persons might consider a public improvement. It appeared to him that the time had arrived when their Lordships ought to take into their serious consideration how or by what means the metropolis generally could be improved. Unfortunately, whenever partial improvements were proposed, the projects were invariably met by the same arguments as those which had been so justly used that evening against the present Bill—namely, the great cruelty and injustice of interfering with the rights of private property. Now, there was no person who had a greater respect for the rights of property than he had; nevertheless he was free to admit that the recognition of those rights might be carried to such an extent as to prove an obstacle to any improvement of the metropolis. As regarded the locality in question, if they looked merely to the corner of Bond Street, they must know that during five or six months of the year the state of that street was such it was impossible to pass freely It was generally choked up by carriages and vehicles of every description. There was a fashionable milliner at one side and a fashionable jeweller at the other, whose customers monopolized the thoroughfare. The time, it seemed to him, had arrived when something ought to be done by Parliament to remedy the evils arising out of such narrow and overcrowded thoroughfares. In the place to which he had just alluded an opportunity had now arisen for improving the locality; but so far from its being seized upon, two new houses had been built in precisely the same position as those which had just previously been removed, and a gentleman of the Hebrew faith, encouraged by the carriages that so frequently blocked up the place, had removed from a large establishment in Brook Street to the site of Steven's Hotel in Bond Street, for the purpose of opening a new establishment; so that that part of the street was likely to remain a nuisance for some generations more. With respect to the argument that those Arcades were frequently used as promenade grounds by the frail sisterhood, it would certainly appear that they forgot the old proverb, that questionable characters should not walk under glasshouses. He, however, confessed he had never seen any improprieties committed in the Burlington Arcade; and he thought it would be a considerable improvement to the metropolis if we had more Arcades or similar buildings established, to which the public might freely resort when the sun was shining with excessive heat, or the wind and weather were piercingly cold, such as existed in Paris and other continental cities. He ventured to make those few observations as a justification of the course he was then taking, because he should be sorry that the public should suppose that their Lordships' House had rejected a private Bill without due consideration.

Lord REDESDALE said, in the presence of such facts as were stated by the noble Earl on the part of the opponents of the scheme, and in the absence of any case being made out on behalf of the promoters, he was disposed to think that this was not a project for such a great improvement as would justify their Lordships in assenting to the second reading.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Negative;* and Bill to be read 2ª on ("this Day Six Months").

MILITARY COMMISSIONERS IN NORTH AMERICA.—QUESTION.

Lord CAMPBELL, pursuant to Notice, inquired of the Secretary of State for War, Whether Her Majesty's Government proposed to send Commissioners to report on the military operations of the Confederacy, as well as to send Commissioners to report on the military operations of the Federal States. The noble Lord said, he understood that the Government had already sent out a Commissioner to the Northern States. It should, however, be observed, that the Northern army was composed of different elements as regarded nationalities, but the men were generally taken from the one class; whereas the Southern army were all Americans, but it was recruited from the various classes of which society in that country was formed. He believed that Austria and Prussia had Commissioners in the Southern States.

EARL DE GREY AND RIPON: My noble Friend is not quite accurate in stating that Her Majesty's Government propose to send Commissioners to report on military operations in the Northern States of America. We do not propose to send any officers to the United States to fill the position of Commissioners in the proper sense of the word. We have from time to time sought information, in respect especially to the manufacture of guns and ammunition and the building of iron vessels, from Her Majesty's Minister at Washington. Lord Lyons has afforded as much information as he could obtain upon these points; but as the subject took a wider range, and the information which it was desirable to obtain became more minute and more technical, Lord Lyons stated that he did not feel that he had at his disposal the means to enable him to supply that information accurately, and he therefore recommended that some military officers should be sent to collect it, and to report professionally thereupon. In consequence of that recommendation, and with a view of obtaining information respecting the *matériel* of war, the iron-plated ships and *Monitors*, and the other kinds of vessels which are being built and used in that country, Her Majesty's Government have sent to the Northern States of America an Artillery and an Engineer officer and an officer of the Navy, who will not, however, act as Commissioners with the United States' army, and are not sent so much for the purpose of going about with that army, and of reporting on the military operations, as for the collection of facts bearing on the *matériel* of war and the practice of shipbuilding. Of course, in the Northern States of America the information to be obtained on these points is more important than it can be in the Southern States, because, with the resources which the Northern States possess, the inventions and the new systems which they have adopted are necessarily much more numerous than in the Southern States. On this account, and also for other obvious reasons, one of which is the difficulty in which these officers would be placed in finding their way into the South, we do not think it advisable to send any officers to make similar inquiries into those States.

House adjourned at Six o'clock,
till to-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, February 22, 1864.

MINUTES.]—SUPPLY—*considered in Committee*—Committee*—R.P.

PUBLIC BILLS — *Ordered* — Summary Procedure (Scotland)*; Court of Justiciary (Scotland)*.

First Reading—Railways Construction Facilities* [Bill 29]; Railway Companies' Powers* [Bill 30].

DENMARK—BALTIC COAST LIGHTS.

QUESTION.

MR. BENTINCK said, he rose to ask the President of the Board of Trade, Whether Her Majesty's Government have received any confirmation of a statement which has appeared in the public journals, to the effect that the Prussian authorities in Schleswig have extinguished all the Coast Lights in that locality on the shores of the Baltic; and, if so, whether British shipping will not be exposed to great inconvenience and risk in consequence of that proceeding; and whether, in the opinion of Her Majesty's Government, such a proceeding is in accordance with the usages of civilized warfare, in cases where the safety of neutral vessels is thereby compromised?

MR. MILNER GIBSON, in reply, said, the Government had no information as to the extinction of the lights in Schleswig to which the newspaper reports appeared to have referred; but they had received information of lights being extinguished in the Prussian port of Swinemunde. That information would have appeared in the *Gazette* last Saturday, but that it arrived on Friday night too late for insertion. It duly appeared, however, in all the London morning papers. With regard to the question put by the hon. Member as to the usages of civilized warfare, he hardly felt competent to give an opinion; but, so far as his belief went, it was, that belligerents usually protected their own interests in the best way they could, without much regard to the interests of neutrals.

KERTCH PRIZE MONEY.

QUESTION.

MR. J. EWART said, he wished to ask the Paymaster General, For what reason the distribution of the Kertch Prize Money to the Army has been so long delayed, and when it may be expected to be made?

MR. HUTT said, in reply, that he was aware that the delays in the distribution of the Kertch Prize Money had occasioned great disappointment, but it was impossible to pay it away till the persons entitled to share it were accurately known. There must be, not merely nominal and numerical lists, but also a statement of the rank held by individuals when the capture was made. When the House last year decided to award a sum of money in consideration of the stores and guns captured at Kertch, all the regiments concerned were serving in India, and some of them at very distant points. The Prize Rolls had since been received from most of the regiments, but from two of them, the 42nd and 71st, they came in a very imperfect state. Those two regiments were stationed on the extreme North-west frontier of India, and the 71st was at the time engaged in military operations. There was, consequently, much difficulty in communicating with them; but, at the beginning of the present year, the Adjutant General made special application on the subject to the officers in command of those regiments, and there was every reason to believe that the necessary documents were now on their way. As soon as they arrived, no time would be lost in distributing the money.

DENMARK—EMBARGOES ON DANISH AND GERMAN SHIPPING.

QUESTION.

Sir JOHN OGILVY said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether any information has been received by Her Majesty's Government as to the embargo to be placed on Danish vessels in German ports, or on German vessels in Danish ports, and as to the time which will be allowed for vessels to clear; whether German vessels are subject to capture at sea by Danish cruisers; and whether any information has been received as to the blockade of Prussian and German ports, and the regulations affecting the same?

Mr. LAYARD: Sir, I am glad to have this opportunity of giving an answer to my hon. Friend, as a great number of applications have been made to the Foreign Office from the various shipping interests of the country upon the subject. When the unfortunate war broke out between Denmark and the German Powers, an embargo was placed by the Danish Government upon German shipping in Danish ports, and by Austria and Prussia on Danish shipping in German ports. It was then

understood—indeed, this Government was informed—that six weeks' time would be allowed to vessels to clear out before being subjected to the embargo. In that sense the information was given to the country, but since then a large number of captures have taken place at sea by Danish vessels. Her Majesty's Government was requested by Austria and Prussia to prevail upon the Danish Government not to capture German vessels at sea. It was thought a wrong and very extraordinary proceeding; but the Government declined to take away from the Danes that which they considered a fair means of resisting what we considered to be a most unjustifiable and unwarrantable aggression on Danish territory. Consequently, Her Majesty's Government declined to take any action to induce the Danes to refrain from capturing German vessels at sea. Her Majesty's Government has been informed, therefore, by the Governments of Austria and Prussia, that an embargo will at once be enforced on Danish vessels, and that no time will be allowed them to clear from the ports. I have no doubt that the Danish Government will adopt the same course, and that no time will be allowed to German vessels to clear from Danish ports. At present, Her Majesty's Government have no intimation of any intention on the part of the Danes to blockade any German port, and of course there are no regulations to produce.

CHINA—CAPTAIN OSBORNE'S EXPEDITION.—QUESTION.

In reply to Colonel Sykes,

Mr. LAYARD said, he hoped to produce the papers relating to Captain Osborne and Mr. Lay very shortly, perhaps in the course of the present week; and the remainder of the correspondence, which was more voluminous, he hoped would be ready next week.

THE NAVY ESTIMATES.

QUESTION.

Mr. BENTINCK said, he wished to ask, Whether it is proposed to go into the Navy Estimates that night; and, if so, what is the latest hour at which they will be taken?

Lord CLARENCE PAGET, in reply, said, he would make an appeal to those hon. Gentlemen having Notices upon the paper relating to naval subjects to postpone them until an opportunity had been afforded him of stating the intentions of the Government. In the event, however, of hon. Members not acceding to his suggestion, he did not propose to bring in the Navy Estimates later than Nine o'clock that evening.

DENMARK AND GERMANY—INTEGRITY OF DANISH MONARCHY—THE CORRESPONDENCE.—QUESTION.

LORD ROBERT CECIL: I wish, Sir, to ask the hon. Gentleman the Under Secretary for Foreign Affairs a question to which by this time he is well accustomed. I want to know, how the Danish papers are going on? Perhaps, also, he will give us some detailed information as to whether the whole of the copy is now in the hands of the printer; and, if not, whether he intends to confine himself to the employment of the Foreign Office printers, or will extend his operations to some of those larger firms which could turn out the whole correspondence in thirty-six hours with the greatest ease.

MR. LAYARD: Sir, the noble Lord should be aware that the Foreign Office papers are papers of great importance. It is really more than absurd to suggest that these papers should be sent out of the Foreign Office to any other printers. If any document of a character to injure the public service were abstracted surreptitiously, should I not be the first person held responsible by the noble Lord? The Foreign Office have very limited means of printing, but I hope to-night or to-morrow all the copy will be done. There is a large portion of the papers almost completed at present, but still requiring the last revise. I am most willing to give an instalment, if the House declares its opinion that I should do so. My only object is that the House should have the whole case before it, otherwise I do not think it will be fairly treated. The papers, I trust, will all be produced next week.

MR. BERNAL OSBORNE: I wish, Sir, to know, whether I rightly understood the Under Secretary to say the other night, that the Foreign Powers concerned have given their assent to the production of the documents relating to Schleswig-Holstein?

MR. LAYARD: I never stated that we required the permission of any Foreign Power to publish these papers; but, as a matter of courtesy, it is usual, before publishing a document communicated to us by a Foreign Minister, to ask whether he has any objection to its being published.

MR. BERNAL OSBORNE: Has the question been asked?

MR. LAYARD: Of course it has been asked.

MR. BERNAL OSBORNE: And have they assented?

MR. LAYARD: As far as we have gone yet.

MR. BERNAL OSBORNE: What other Powers have you got to go to?

SIR JOHN WALSH: I do not quite understand the answer of the Under Secretary to the question put by my noble Friend the Member for Stamford (Lord Robert Cecil). I understand the hon. Gentleman to say that these papers are undergoing some process of selection. I wish to ask him whether the Government intend to lay all the papers before Parliament, or only a certain selection or extracts from the despatches?

MR. LAYARD: When hon. Gentlemen see the papers I apprehend the greediest will not ask for more.

SUPPLY—NAVY ESTIMATES.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DENMARK AND GERMANY—INTEGRITY OF DANISH MONARCHY.

THE CORRESPONDENCE.

MR. DISRAELI: Sir, I wish to make an inquiry of Her Majesty's Government as to our relations with Denmark, but I do not see the noble Lord (Viscount Palmerston) in his place; and if I pursue the inquiry for a moment, it is because it is not the first time we have been so unfortunate, at this critical period of public business, and I almost despair of seeing the noble Lord in his place when information can be given to us. In reference to the Question asked just now by the noble Lord the Member for Stamford (Lord Robert Cecil), I must say that I do not think that the Government are acting considerately and fairly to the House of Commons in this matter. The first night of the Session I called the attention of the House to the remarkable circumstance that no papers were presented or promised on the all-absorbing subject of the hour, and the most important topic in the Speech of the Lords Commissioners. The noble Lord at the head of the Government seemed to be somewhat irritated that any comment should be made on that subject. He said the reason why the papers were not promised in the Speech was that the Ministers had a desire not to lengthen the Speech, but that, of course, the papers would be produced, and that it was not necessary to inform the House of what every Member had a right to expect. Well, it was a very curious thing, of which we were not aware at that moment, that almost at the same time another account was given in another place by the noble Earl the Foreign Secretary on the same subject, which did not at all agree with the explanation of the noble Lord at the head of the Government; for when in another place surprise was expressed on the first night of the Session at the absence of any papers on Denmark, the Secretary of State explained the matter in this way—he said that the negotiations had most unexpectedly terminated; he gave the House to understand that Her Majesty's Government had no anticipation that they would have so terminated, and that consequently no preparation had been made for the production of the papers; and the impression in another place was, that there was no prospect of the papers being shortly produced. Then, when frequent appeals were made to the Under Secretary of State, all that we could obtain from the hon. Gentleman was to deprecate the pressure and to lament the great task which had been put upon him, of having to prepare and print papers extending to 600 pages; and to-night he says that the quantity of the papers will astonish and satisfy the House. Sir, allow me to remind the House that before the Crimean war the House met on the 31st of January, and that on the 2nd of February, papers laid on the table the first night were not only printed, but distributed, and were in the hands of Members. And what were those papers? They were in two parts, one consisting of 400 pages, the other of 378, being, according to the estimate of the Under Secretary of State a much more considerable mass of papers than those which are now to be laid before the House. They were presented on the first night of the Session, and in three days they were in the hands of every Member. Moreover, in that case the negotiations were not finished at the time, for it was not till the 27th of March following that her Majesty announced that negotiations had fruitlessly terminated, and that war was about to be declared. Under those circumstances, the House had the advantage of the great mass of papers prepared for them while the negotiations were pending, and while the opinion of the House could be brought to bear in a manner calculated to influence events. Therefore the position taken in another place that papers ought not to be produced till the negotiations are terminated, is not correct in principle or warranted by precedent. Take another case, which occurred in the present Parliament. What happened after the termination of the negotiations which preceded the Italian war? Why, the moment the new Parliament was formed, I presented the papers to the House. We had, it is true, no opportunity of considering them, for immediately afterwards the noble Lord (Earl Russell) sanctioned and supported a vote of want of confidence, principally on account of our management of foreign affairs. He was successful in his Motion, he succeeded us in office, and took his seat on that (the Ministerial) bench, and about a week afterwards he, with great frankness, announced that he was pursuing precisely the same policy with his predecessors. However, I must say that the noble Lord persisted in that policy for a very brief space. For the last four years he has pursued a line peculiar to himself, and I congratulate the noble Lord on having established a name which bears terror to no country except his own. As regards the papers in question, I think, so far as precedent is concerned, so far as the benefit of the public service is concerned, it is clear that, according to the habit of Parliament and those rules and principles of common sense which exert more powerful influence in the House than even Standing Orders, it is clear that this is the first occasion of equal importance that the House has been left so entirely in the dark. Negotiations have been going on in this case for weeks and months and years, just as those which formerly took place relating to the differences between the Latin and Greek Churches; yet, in the latter case, the noble Lord, on the 2nd February, 1855, laid the papers on the table. But, left as we are in this forlorn condition, having sat here for several weeks, and with the possibility of shortly meeting our constituents, we are unable to give them the slightest idea of what has happened. In addition to this, much has happened in the interval which might have afforded the

Government opportunities of imparting very important and interesting information to the House of Commons, which would have thrown some light on the state of Europe. The other night an hon. Gentleman rose and asked a question of importance as to the relations between Germany and Denmark. The noble Lord at the head of the Government answered the question, but incidentally; and, by-the-bye, he informed the House that Her Majesty's Government had agreed to mediate between the contending parties; that they had proposed an armistice; and that they had made the proposition under circumstances which they regarded as favourable to its acceptance. He intimated with delicacy, but with no great amount of precision, an expectation that Austria at least would take a sensible view of the case. Now, let the House pause and consider the importance of that announcement. There are the Ministers who, year after year, have contended in this House, that it is most unwise to propose a mediation between contending States, if there is no chance of that mediation being accepted. You all know—both sides of the House are aware—of the instance to which I allude; and, although I do not wish to introduce a name and a subject which might excite unnecessary controversy, still we are all aware that, year after year, this great maxim of statecraft has been impressed upon the House by the noble Lord and his Colleagues. What was the natural inference, then, which the House drew on the occasion? They said, "If these Ministers who will not sanction mediation between contending States, except with a probability of success, have agreed to mediate between Denmark and Germany, it is quite clear that they expect that the result of their mediation will be successful." That was the natural conclusion to which the House came; and every Member went home almost with a conviction that there was a chance of seeing some conciliatory and honourable termination of these great and deplorable disasters. A few days afterwards there was an authentic rumour—at least a telegram which bore the appearance of authenticity—that these negotiations had failed, that Her Majesty's Government had attempted to mediate, had proposed an armistice, and that the result had not been satisfactory. Still, it was only a rumour. I came down to the House to give an opportunity to the noble Lord to offer those explanations which every one in the House, and every one in the country, awaited with the greatest anxiety. Every one expected that a Minister, and a Prime Minister, who had made that communication to the House on Friday, with these rumours circulated and credited in every part of the metropolis, would follow it up as was his duty to do, and come forward in his place and enlighten and guide public opinion. But the noble Lord was not here. I appealed to the noble Lord's Colleagues. I asked Her Majesty's Government, I asked every Member of the Cabinet, who on such a subject one would imagine to be sufficiently well informed and impressed with a sense of their common responsibility, and would have been only too ready to satisfy the natural desire of the House and of the nation. There was a dead silence. At last, the Under Secretary of State for Foreign Affairs, who appears to do all the work of the Government, rose, and with becoming modesty, asked permission to announce to the House that Her Majesty's Government had made another diplomatic failure. All the information he gave was limited to that result. The House did not want to be assured of the want of success of Her Majesty's Government, and of the disappointment which they and the country necessarily felt; but they did want some light to be thrown upon the subject—they wanted to know the reasons which had induced the Prime Minister—the Prime Minister who is so opposed to mediation unless there is a great probability of success, and who would not venture to propose an armistice unless assured beforehand that it would be assented to—to lead the House to believe that one of the invading Powers, at the very moment when he gave the notification, was apparently animated by more rational and more conciliatory sentiments than we had given her credit for—one would have thought that the noble Lord would have made it a matter of special public duty to have come forward and entered into the necessary explanations. But the noble Lord was not here. And what followed? Some little time after that an hon. Gentleman asked another question about this subject of Denmark and Germany, respecting which the House of Commons are, I believe, the least informed of any public body in Europe. And the noble Lord, replying to an inquiry whether Jutland had been invaded, gave an answer in that vein which in the good old times used to be called "King Cambyses' vein," but which latterly has become peculiarly the property of the noble Lord; and certainly the noble Lord uttered some words which in old times would have alarmed Europe and animated the House of Commons, but which in the present instance were received with that depression and despondency which now usually accompany such expressions on the part of the noble Lord, because experience has proved to us that they generally herald the humiliation of our country. There was a pang of anguish throughout the country when they heard that Jutland was invaded. Everybody felt that that was too much—every one said that that was the last drop in the cup. It was mentioned only yesterday that there was an authentic rumour—I credited it myself—that the Prussians had repented of their conduct, and had relinquished the position which they had taken up in Jutland. They found that they had made a mistake—and they said so. That is the report. The Prussians found that they had made a mistake in going into Jutland—as if they had not made a great many mistakes in the invasion before—and that they had retreated from that portion of the old continental kingdom of Denmark. I believe they had not heard the noble Lord's words at the time—probably if they had they would have remained there. But Monday comes after an anxious Sunday, and we naturally wish to know, is there any truth in that account which has now reached us, that the Prussians have retreated from the ill-advised position which they had taken up?—because, after all, the chances of a general war may very much depend upon incidents of that kind. The noble Lord is again absent, and we are again without any one to guide us on this subject. It is not, therefore, merely with regard to these papers that the House of Commons has been scurvily treated, but in these repeated instances where information and explanation might have been, and ought to have been given to us, the House of Commons is equally treated with carelessness and disrespect. What I want to know from Her Majesty's Ministers—and I hope I shall get an answer although the noble Lord does not present himself—is, on what ground did they rest their hope that the offer of mediation would be accepted by the contending parties—by which of the contending parties was it refused—was it refused by the Danes or by the Germans—was it refused by both of the invading Powers? These are all questions of the utmost interest and importance to which we have a right to expect an answer from the Government. On what ground did the noble Lord think that Austria was about to adopt a rational and conciliatory course towards Europe? Is it or is it not true that Prussia invaded Jutland and then receded from the position she had assumed? We want light, we want knowledge, on these subjects from Her Majesty's Ministers. It is our duty to make these inquiries. It is our right to receive this information. Is the House of Commons to go on in this way upon a subject which now engrosses all the interest and passion of Europe—a subject with respect to which men on the Royal Exchange are talking as much as of all the matters of their business—for their business greatly depends on the course of public policy in these matters; I say that the place where the most information ought to be given—the most authentic information—is the House of Commons; and yet this is the place where we obtain the least information and the least authentic information. I ask the House to consider their position—how much it touches their honour in the country. Suppose you were sent to your constituencies to morrow—I put that inquiry before you because there are frequent rumours that such an event may not be far distant—how would you meet your constituents? Suppose a man in the crowd to say "How about Denmark?" what answer could you give? This touches the honour and the interest of the House of Commons. I want to put the House — not merely the Gentlemen on this side, but the House generally—in their right position. It may be a matter of perfect indifference to her Majesty's Government that they are the derision of every Court in Europe, but we do not want to be the laughing-stock of our constituents. And, therefore, we must make an effort to put an end to this highly unsatisfactory state of affairs. We must take some means by which we can obtain authentic information—by which these papers may be placed on the table—and by which we may obtain some explanation of the negotiations which Her Majesty's Government have commenced and conducted unsuccessfully without any communications being made to Parliament, and which must unquestionably, in their character and conduct, greatly affect the course of future events.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I do not know whether the right hon. Gentleman is wise in the tone in which he has referred to the absence of my noble Friend from the House; because most certainly, if in the annals of this country, there has been any man who ever occupied the dignified position of my noble Friend, and who by unsparing sacrifices of his own comfort, with even more serious risk to health, has been ready at all times to place himself on this bench, whenever he could serve the House of Commons, that man has been my noble Friend. It may, perhaps, have occurred to the impartial auditors of the speech of the right hon. Gentleman, that it is a matter of some difficulty to know what the object of that speech has been. The right hon. Gentleman, a master of political fireworks, has no difficulty in producing at a moment's notice any amount of display. But these are matters of grave consideration, and those who speak like my noble Friend at the head of the Government, or like my hon. Friend near me (Mr. Layard) the able representative of the Foreign Department in this House, are bound to consider that their business is not so much to inquire how they may say smart things for the satisfaction of those who sit behind them, but how they can hold language which is most compatible with the dignity of the country, and least calculated to compromise it in the eyes of foreign nations in seasons of difficulty. I therefore, Sir, renounce all efforts to follow the right hon. Gentleman in his brilliant career, but, endeavouring to extract from his speech the few practical points to which it referred, I would reply to them as follows:—The real substratum of the speech is the non-production of the papers. It is the fact that the papers relating to Danish affairs were not ready for production at the opening of Parliament. That was explained by my noble Friend (Earl Russell) in another place, and the fact that they were not ready for immediate production, was accounted for by the undoubted and uniform rule of the Department with regard to negotiations which have not yet reached an issue; and, at the same time, my noble Friend and my hon. Friend near me (Mr. Layard) expressing their regret for the inconvenience to which the House was put, promised that the preparation of those papers should be accelerated with all the despatch at the command of the Foreign Office. Beyond that expression of regret and that promise, I do not know what it was in their power to do. And when the right hon. Gentleman refers to the case of papers relating to the negotiations preceding the Crimean war, he refers to matters hardly relevant to the point. In the interesting and difficult question relating to the present unhappy collision between Germany and Denmark, or rather the present unhappy aggression of Austria and Prussia upon Denmark, Great Britain has been a friendly bystander. In the negotiations antecedent to the Crimean war Great Britain was a principal, and was one of the two great Powers engaged in carrying that matter to an issue, which ended in hostilities, conducted on a gigantic scale. The right hon. Gentleman, says my noble Friend (Earl Russell) assumed the character of a mediator, and that in that character he made the suggestion of an armistice between the contending parties. It is quite true the suggestion of an armistice was made, but not true that it was made in the character of a mediator. It was necessary to give effect, I will not say to the arguments, but to the taunts of the right hon. Gentleman, that he should himself invent that circumstance, in order to give point to his remarks, because it enabled him to say that that which was done in the character of mediator must have been done with a likely probability of success; and now says the right hon. Gentleman, I will point out how it has not succeeded. But the fact is that the suggestion was not made in the character of a mediator at all. It was a suggestion entitled to attention. It was done in a friendly spirit, and in co-operation with other Powers, animated by a like spirit; and whether a proposal of that nature, judicious in itself, be acceptable to the passions of the contending parties or not, it is my belief that it will be appreciated by the country. Finally, the right hon. Gentleman complains that Her Majesty's Government have not given him information on the undoubtedly very interesting and important question, whether the Prussian forces have or have not evacuated Jutland. The simple reason for that is that Her Majesty's Government do not happen to possess the information. The right hon. Gentleman is not generally behind the age, but he appears to forget the fundamental difference which has been brought about in the position of the

Government in reference to the receipt of foreign intelligence since the introduction of the electric telegraph; and that information not altogether correct, and sometimes altogether incorrect, or of a most erroneous character, is constantly conveyed to the public on most important points by the newspapers before the despatches addressed to the Prime Minister or Foreign Minister have arrived. With respect to the evacuation of Jutland Her Majesty's Government have had communications, but not of so clear and conclusive a character as to justify them in stating anything to the House on the subject; and I think the House will be of opinion that they would grossly depart from their duty if, in their anxiety to convey early information to the House, they neglected, first of all, to satisfy themselves of its correctness.

Lord ROBERT CECIL: Sir, the explanation just given by the right hon. Gentleman only adds another to the list of confusions already produced by the different interpretations given of the same transactions, not only by Ministers sitting in different Houses of Parliament, but by Ministers sitting on the same bench. As we at present understand the right hon. Gentleman, when Parliament met the Government was engaged in negotiations which promised to be lengthy, and had made up their minds not to give the Danish Papers to Parliament until these lengthy negotiations had terminated. But when we interrogated the noble Lord at the head of the Government on the first night of the Session as to the probable time when the Danish Papers would appear, he gave us no hint that they would be delayed till the termination of the current negotiations. He told us they would appear as soon as they could be got ready; and there was every reason to believe that it was simply owing to a delay in the office where they were printed that they were not produced. I dare say, when the noble Lord returns to the House we shall have yet another version of this mysterious question. The right hon. Gentleman tells us that England was only a friendly bystander in the course of these negotiations. These words exactly hit the reason why we are so anxious to get at these papers. We want to know if England has been nothing but a friendly bystander. In the course of the winter certain Correspondence appeared in "the ordinary channels of information"—in fact, all the information we have received has been through the medium of the newspapers—between Earl Russell and the Saxon Minister (Von Beust). I do not know whether the right hon. Gentleman will say that the letter of Earl Russell was strictly that of a friendly bystander; but not only was that Correspondence with Saxony, but with other German Courts, and we were told that some of it was conceived in a very lively and spirited manner. What we want to know is, whether the Correspondence with Bavaria, Wurtemburg, and, possibly, with Austria and Prussia, was conceived in the spirit of a friendly bystander, as the noble Lord understands that character? We want to know if the same kind of language has been exchanged between England and these Courts as in the case of Saxony? There is another point of the character of friendly bystander on which some explanation is due to the House, and respecting which we are anxious to get these papers —what sort of pledges, real or implied, have we given to Denmark in the course of this friendly bystanding? What have we urged Denmark to do, which she has done on our advice? We have heard something of the recommendation to vacate Holstein, given by the British Government to Denmark. We do not know whether that recommendation was made—it has been carefully kept from us. But it is no unimportant point. With Denmark, time was everything. If she could have lengthened out the war, the elements, which were against her, would have become more favourable to her, and other allies in other directions would have sprung up to prevent her being left alone as she now is; that hypocritical Power, which, with one foot on Venetia and another upon Hungary, turns northward and calls herself the champion of nationalities, if time had been allowed to Denmark, would have been taught the danger of the course she was running. You could not have done Denmark a more fatal injury than in advising any concession which tended to shorten the campaign. Did Denmark consent to evacuate Holstein on the advice of Her Majesty's Government; and, if so, how far is the honour of England compromised by reason of the misfortunes which have since fallen on Denmark? Other rumours have reached us, with respect to which the House is bound to know the truth or the falsehood. It is said, that when Sweden was willing to assist a country belonging to the same blood as herself, our advice was interposed, and that delay was urged. We have a right to know how far the doctrine of being a friendly bystander should be carried. The right hon. Gentleman says we are merely a friendly bystander. Does he remember the pledge given by the noble Lord at the head of the Government in his place last year? Does he know that not only in England but in Europe the question is asked, "Is Denmark alone?" The noble Lord told us that if the German Confederation crossed the Eider and took Schleswig, they would find that Denmark was not alone. That pledge is well known. It is well known what language we have used to Denmark —how we have pressed our advice upon her—how she has yielded to our entreaties. It is well known how British diplomacy is valued in every German Court. It is well known what our diplomacy is—how we try by mere words to frighten those whose policy we mean to stop, and with what impatient scorn all our menaces have been thrust aside. The recollection of the conduct of the Government in the case of Poland—the recollection of words without deeds to follow them, has produced towards us the most bitter contempt in every Court in Europe. These matters are interesting to the House of Commons. We do not desire merely to read lengthy papers of historical interest. We want to know how far the honour of England has been pledged—how far it has been slurred by threats employed, or hopes held out which have not been followed by deeds—how far our principles have been compromised by promises of assistance, which have not been realized. And, therefore, we have a right to demand that at the earliest period every possible information shall be laid before us.

MR. BERNAL OSBORNE: Sir, it seems to me that if the intelligent foreigner who is sometimes supposed to sit under our gallery be in the House on the present occasion, he would be much puzzled to discover that this was the British House of Commons; for it would seem to him, as it appears to a great many people in the country, that a more docile set of Englishmen never sat upon these benches. Why, Sir, what are we about to do at the present moment? War is raging in the north of Europe, and men are losing their lives by thousands. The Government has explained to-night — or rather it has not explained, for when the Chancellor of the Exchequer taunted the right hon. Gentleman opposite (Mr. Disraeli) with being a great master of fireworks, his fireworks at least threw some light on the subject; whereas the Chancellor of the Exchequer, answering for the Government, succeeded in doing a thing which I thought almost impossible — namely, in making more confused the question of Schleswig-Holstein—for whether we are at this instant mediators for Denmark, or a friendly bystander between the two parties, I defy any Member of the House to understand. The question I want to put is this—In what position does this House stand at the present moment? War is raging in America—war is raging in Denmark—there is a report that Denmark Proper has been attacked by Prussia :—And how is the House of Commons treated? What information have we as to the policy of the Government—as to their past policy and present intentions? Why, Sir, not a single paper of importance has been laid upon the table from which we can obtain information. And if, as has been said, time was of the greatest importance to the Danes, it appears to me that, in this instance, time is of the greatest importance to Her Majesty's Ministers, and that they are determined not to give this information, but to wait for the chapter of accidents—possibly, as is said by Sir Abel Handy in the play, "until the fire goes out of itself." That is the position of the Government; and what is the position of the House? Here we come sneaking to our places day by day, having nothing to do when we are in our places on home policy, and asking questions on the foreign policy of this country; and the House has never yet had an answer what that foreign policy is. While our friendly allies were being butchered, the British Government is looking on as a cool bystander, taking no measures, as far as the House of Commons knows, to afford assistance; and while the First Minister of the Crown in his place uses language of intimidation and menace, this country is reduced to this position, that in every foreign print shop an Englishman is represented a subject of ridicule; and then the Government comes down complacently—at least, I dare say, in a few minutes the noble Lord the Secretary for the Admiralty will come down—and move a vote of a reduction in the navy, while, if there be any truth in the appearance of things, or any meaning in the threats of the Prime Minister, we ought at least to be preparing for a continental war. Well, Sir, I say if this be a House of Commons with common spirit, do not let us be satisfied with merely getting up and using language, as the Chancellor of the Exchequer very properly says, throwing up harmless fireworks, but let us have a vote. Now, Sir, I feel so strongly the humiliating position in which this House is placed, that if I meet with any encouragement, I will move a vote which shall test whether these are real or artificial fireworks, and perhaps clear up the fog which hangs on the Treasury Bench. I say, Sir, that we have no business to vote these Navy Estimates, with a reduction of 5,000 men and boys—we have no business to come to the consideration of this vital subject, until we know the position of the country with regard to Germany and Denmark. Therefore, if I meet with common support—unless, indeed, my right hon. Friend the President of the Board of Trade will get up and give some explanation of the Schleswig-Holstein question, which he is said to be so peculiarly master of; unless that happens, I shall move that these Navy Estimates be postponed until the papers relating to the Schleswig-Holstein and German question be laid on the table of the House. I move that the consideration of the Navy Estimates be postponed to this day three weeks.

Sir JOHN HAY seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Consideration of the Navy Estimates be postponed till this day three weeks,"—(*Mr. Osborne*,)

—instead thereof.

Sir FREDERIC SMITH: I am also anxious for a postponement of the Estimates, but not to quite so remote a day as the hon. Gentleman opposite, and on different grounds. Only a week has been allowed for the consideration of the Estimates and the three volumes of explanations which accompanied them, and it is impossible for Members to do justice to them in that time. These papers have been drawn up in a most masterly manner, and they deserve to be studied with care. There are one or two questions of importance involved in the Estimates, which also demand attention. I think a short postponement should take place, to enable the House of Commons to understand what they are voting about. ["Oh!" "Divide!"]

Lord CLARENCE PAGET: I have to say, in answer to the hon. and gallant Member, that the Government have adopted only the same course as last year, and Members will have exactly the same time to consider the Estimates. If the hon. and gallant Gentleman, however, wishes the House first to read up all the pamphlets he speaks of, it is impossible to say when the Estimates will come on.

Mr. ROEBUCK: I hope the House will not be drawn off the question. I quite understand the dexterity of the noble Lord; but the Navy Estimates are not now the question. The question is, whether or not we are to know anything about Denmark; and, more than that, the position of the Government is in question. If the Ministers are placed in a minority on this occasion, hon. Members can imagine what the consequences must be. [An hon. Member: Nothing at all.] Well, it seems to me quite clear, that if the Amendment of the hon. Gentleman opposite (Mr. B. Osborne) were carried, it would mean that the House of Commons had no confidence in the Government, as regarded its foreign policy. As far as I am personally concerned, that is my opinion, and any Gentleman in the House who shares in the view, and has courage in his heart, ought to vote in favour of the Amendment.

The CHANCELLOR of the EXCHEQUER: Sir, if there be any fog near to my hon. Friend, or anywhere else, it is desirable that it should be dispelled before the House gives a vote. The construction put upon that vote by the hon. and learned Member for Sheffield (Mr. Roebuck) I am not prepared to say is an untrue construction. It is certainly a fundamental, though an ordinary part of the business of the country that is standing for discussion to-night—namely, that we should go into Committee of Supply to consider of the Navy Estimates. My hon. Friend (Mr. B. Osborne) has taken a step perhaps the strongest any gentleman could take by a directly hostile Motion against the Government, without any notice whatever. My hon. Friend, who rallies us upon our state of darkness, appears to me to be hardly in the clearest condition of understanding himself, when on a sudden he undertook to propose this Motion. There are no new facts before the House. The position in which my hon. Friend now finds himself is this, that the papers relating to the Danish negotiations have not been produced. That was a fact perfectly within the knowledge of my hon. Friend at the time when notice was given that Her Majesty's Government would propose to-night to proceed with the ordinary business of the country; and if my hon. Friend was of opinion that the non-production of the Danish papers at a particular time was a reason why we should not proceed with the ordinary business of the country, it was competent to him to have given notice to challenge that course of proceeding. Perhaps my hon. Friend may say that he wishes to declare his want of confidence in the foreign policy of the Government, and the hon. and learned Member for Sheffield, with perfect frankness and fairness, has placed the Motion on that ground; but again I return to my point, and say it was due to my hon. Friend himself, Her Majesty's Government, and to the House of Commons, if a Motion was to be taken impeaching the foreign policy of the Government, and declaring a want of confidence in that foreign policy on the part of this House, that notice should have been given; and, therefore, when I meet the taunts of my hon. Friend, about our state of darkness, with expressing a doubt that his own mind had not been in the clearest state when he made his proposal, it is because I think the proposal he has made is not consistent with the rules or proceedings of Parliament, and if he entertain seriously that intention, he ought to have allowed hon. Members to be aware of it. If my hon. Friend is disposed to give notice of such a Motion, or if the hon. and learned Gentleman opposite (Mr. Roebuck) feels that disposition, I can only say, that no person will be more ready to join issue on the subject than those who compose Her Majesty's Government.

MR. BERNAL OSBORNE: I wish to say a word of explanation. It is totally impossible for me, or for any other Member of the House, to know what is the foreign policy of the Government until the papers are presented. ["Order!"] I shall certainly go on with my Amendment.

MR. DISRAELI: Sir, the House is placed in a position of a critical kind ["Hear!"] Although the hon. Gentleman opposite may think it extremely amusing, I doubt whether those whom he sits next to are of that opinion. I have never concealed of late my opinions on the foreign policy of Her Majesty's Government; and I should never hesitate, if any issue were placed before me, of giving my opinion, and acting on that opinion by my vote. But I certainly do think that it is of the greatest importance that the country should not say, whatever that decision may be, that the decision was arrived at by a surprise. It appears to me of the utmost importance that there should be fair notice of the intention of the House, and that a verdict should not be taken without such notice, especially in the absence of the head of the Government. It is perfectly open for the hon. Member, and the hon. and learned Member for Sheffield, to give notice of any Motion they like. They act quite independently of myself and my friends, and if they do not give notice of any Motion, I cannot doubt, in the present state of Europe, that an opportunity will be afforded to the House of Commons, unless they relinquish all their rights and obligations, of expressing their opinion, and that soon, on the foreign policy of the Government. I cannot conceive that this opportunity will not be afforded; generally speaking, we have information before us upon which the opinion of the House can be taken on the conduct of the Government. Papers are laid on the table of the House in all matters of negotiation, and they form the case of the Government, and it is to the advantage of a Government that papers should be produced. This year, we have been placed in a position that we have never been placed in before. We have not that information given to us which, as we have always hitherto supposed, it was for the advantage of the Government should be offered to the House; and, therefore, I am not surprised at the temper and disposition of the House under such circumstances. The Government must feel, I think, after to-night, that it is absolutely necessary, in order to meet the difficulties of this case, no longer to offer apologies which *ad nauseam* have been administered to the House. I cannot doubt that the papers will be on the table of the House immediately. When they are on the table it seems impossible that the House can refrain from giving a verdict one way or the other upon them. I entreat the House calmly to consider the position in which it is now placed. It is possible that an advantage might be gained over the Government; but assuming that, will it be satisfactory to us to-morrow to reflect that a verdict against the Government has been gained upon their foreign policy, without any notice, and in the absence of the Chief Minister of the Crown? I hope soon to see the Chief Minister of the Crown amongst us. The right hon. Gentleman seemed to intimate what was the cause of the absence of the noble Lord. It has not reached me by the usual means of social information, that the absence of the noble Lord was caused by indisposition. [Sir GEORGE GREY: Yes, it is!] I very much regret it, because under all circumstances the presence of the noble Lord is a source of satisfaction, but it would have been easy to have intimated it to the House. Upon that point I will not say another word; but it is an additional reason why the House should not come to a decision upon a vote which is accepted by the Government as a verdict upon their foreign policy. I condemn that policy, not merely with regard to Denmark and Germany only. I think it a deplorable and disastrous policy, calculated to reduce the influence and lower the character of the country. But the House of Commons should come to its conclusion after ample discussion, after an appeal to authentic documents, which would give solemnity and force to a decision of Parliament. That verdict ought not to be obtained by surprise, without discussion, and which it seems the present disposition of the House to do; and I trust the hon. Gentleman (the Member for Liskeard) who, in a very spirited manner, made the proposition, will, on reflection, feel that it will not only be without benefit to the conduct of public business, but that if he persists he will really prevent that very result which he most desires, namely, that the foreign policy of the Government should be fairly considered, and deliberately decided upon.

SIR GEORGE GREY: There is nothing which the Government can desire more than that the deliberate opinion of the House of Commons, and through the House of the country, should be expressed upon their foreign policy. At the same time, I entirely agree with the right hon. Gentleman opposite (Mr. Disraeli) that for the House to come to a vote upon that policy until the papers have been produced would be unworthy of the House. My hon. Friend the Under Secretary for Foreign Affairs has already stated more than once that the papers will be laid before the House at the earliest possible moment. When they have been laid on the table it will be open to the hon. Member for Liskeard, or any other hon. Member, after proper notice, to take the opinion of the House on the foreign policy of the Government. I have only to add with respect to my noble Friend at the head of the Government, that on calling on him this morning I found him suffering from a severe cold; and, in addition, he had a slight attack of the gout. He told me that he intended, if possible, to come down to the House to-night, but that he was going to see his physician, and that his presence here would depend upon the report he received. As he has not taken his seat, I am afraid that he has been forbidden to come down this evening.

MR. CLAY: If the Motion before us is pressed to a division, it is as well we should know what we are voting about. The hon. Member for Liskeard (Mr. Osborne), whatever I may think of his proposition, has given a very sensible explanation of it. He says it is not for us to come to a vote on the Navy Estimates, which involves the amount of our naval force, without knowing more clearly than we do at present, whether this country is likely to be plunged in war or not. But the hon. and learned Member for Sheffield (Mr. Roebuck) in his speech, and others by assent, have put an altogether different construction on the Motion of my hon. Friend. The hon. and learned Gentleman says it is to be taken as a vote of want of confidence in the Government. Be it so; but let it be understood that such is not the intention of the hon. Member for Liskeard. With the sense which hon. Gentlemen opposite wish to put upon this vote, it may be right and quite consistent with Parliamentary practice that proper notice should be given, and that a subject so important should be debated in the deliberate manner which it deserves; but that is a perfectly different thing from the Motion of my hon. Friend. If that Motion is withdrawn, the Navy Estimates will be proceeded with as a matter of course; the proposed reduction will probably be made; and so the decision of the House will be taken precisely on those points as to which my hon. Friend says we ought to have further information.

MR. DARBY GRIFFITH: I am not prepared to go into a vote of want of confidence at the present moment, but it is fair on the part of the hon. Member for Liskeard to say, "You ought not to pass the Navy Estimates before you know the foreign policy of the Government." I would, therefore, suggest that Ministers themselves, seeing the temper of the House, should put off the Navy Estimates for a short time.

MR. KINGLAKE: Sir, I think the House was on the point of being misled by the suggestion of the hon. and learned Member for Sheffield. He is a gentleman who has so serene a confidence in the accuracy of his own judgment, that he does very frequently in this House state a very foolish proposition with a degree of solemnity that really gives it for the moment something like judicial importance. I think the hon. and learned Gentleman is entirely in error in assuming that this is a Motion on the foreign policy of the Government. I understand my hon. Friend to found his Motion expressly on this—that we do not know the foreign policy of the Government. I understand him to say, it is not fit for us to be called upon to vote the Navy Estimates at the moment when we do not know what our navy is to do or to leave undone. I understand him to urge upon the House that Her Majesty's Ministers, or some of them, have been indulging in language of a somewhat menacing kind, and I think it was his view that if the language of the Government was to be menacing, the acts of the Government ought to have some sort of correspondence with it. Therefore I think my hon. Friend did what was quite natural, when he came to the determination that we ought not to come to a decision on the Navy Estimates until we know what the foreign policy of the Government is. I, therefore, entirely repudiate the construction which the hon. and learned Member for Sheffield ascribes to this Motion. That interpretation having been put upon it, it was natural for the right hon. Gentleman the Chancellor of the Exchequer, with the high spirit of a Government finding itself challenged, to say that the Government accepted the interpretation; but I say the interpretation was wrong, and I trust my hon. Friend will not act on the supposition that we are going into an inquiry as to what the foreign policy is. I think, however, that in the absence of the noble Lord, and especially that that absence is owing to a cause which we must all regret—on that consideration only, I hope the hon. Member for Liskeard will consent to withdraw his Motion.

LORD ROBERT MONTAGU: The hon. and gallant Member for Liskeard (Mr. B. Osborne) has stated that he did not make his Motion with the object of damaging the Government, but that his only desire was to get the Danish papers before voting the Navy Estimates. What, however, would be the effect of his Motion? If he is beaten, no other Motion can be proposed to-night as an Amendment on going into Committee of Supply, and the Secretary of the Admiralty will instantly go into the Estimates. If, on the other hand, he is successful, there necessarily occurs a deadlock. There is most likely a dissolution of Parliament; in which case we shall not get any papers for at least a month; or, if we do, we shall not be able to discuss them. If Parliament is not dissolved, but there is merely a change of Government, it will take a fortnight to make the necessary arrangements; and when at the end of that time the new Government are asked what their policy with respect to Denmark is, they will probably say, "We have so recently come in that we cannot tell what our policy is." How would that advance our business? The object of the hon. Member would in any case be completely frustrated. The same thing would happen which happened when I first came into Parliament in 1859; there was an important debate, which turned, as the right hon. Member for Bucks has said, on a question of foreign policy, and yet nobody could get the papers on Italy until the debate was half over. Therefore I do not think that the hon. Member would fare any better with the new Government than he does now with the old one. The hon. Member for Liskeard moves his Resolution because the noble Lord the Secretary of the Admiralty is about to propose a reduction of the Navy Estimates. Probably the hon. Gentleman would like to move them himself, even though he had to propose an increase. Jealousy is the *fons et origo mali.* But what is the good of saying that we should postpone the Navy Estimates until we have seen the Danish papers, and know whether we are likely to go to war or not. What difference can it make? If we were about to commence hostilities how can you vote more for the navy? When the Crown has asked for certain supplies, and the Estimates have been laid on the table, they cannot be increased by a vote of this House. The hon. Gentleman, therefore, can in no way attain his object by his Amendment. Therefore I trust that the hon. Gentleman will take the advice of the right hon. Gentleman the Member for Buckinghamshire, and not press his Motion to a division.

Lord DUNKELLIN : Sir, I present myself in a character which I hope will recommend me to the House, as it has been favoured by the Government—that of a friendly bystander. The position appears to be somewhat critical. The hon. and learned Gentleman (Mr. Roebuck) has put an interpretation upon the Motion made by my hon. Friend the Member for Liskeard, which has been accepted by Her Majesty's Government, but which my hon. Friend disclaims. We know that when Gentlemen have made up their minds to put a particular meaning to the words or acts of another man, it is very hard to disabuse them of the idea. It seems to me that what fell from my hon. Friend was supported by common sense and sound argument. It is only rational that before we proceed to vote the sums and the force required for Her Majesty's navy we should have some sort of understanding as to what that navy is likely to be called upon to do. I will not enter upon the confused ground of foreign politics, but it is obvious to every one that demands may be made upon the navy greater than those which we contemplate having to meet at the present moment. Therefore, as a friendly bystander, I want to throw out a suggestion, which I hope will be accepted by the noble Lord, the Secretary of the Admiralty, and my hon. Friend. It is that the consideration of the Naval Estimates should be postponed for to-night. We have been assured by the hon. Gentleman the Under Secretary for Foreign Affairs, that all haste is being made with the Danish Papers, and he has gone so far as to say, that if it is the wish of the House he will produce them in portions. I think that course would be acceptable to the House, because we should then get an inkling of what was going on, and should be able to form some opinion. If the noble Lord the Secretary of the Admiralty would postpone the introduction of the Estimates for a short time—say for a week—perhaps the Under Secretary would by that time be able to let us have some of the papers; and upon that understanding I have no doubt that my hon. Friend will agree to withdraw his Motion, which appears to have put us all into a little confusion, and some of us into a great fright.

Viscount INGESTRE : It seems to me that the House is placed in a very unwelcome predicament. We have, in the most abject way, asked for papers, which the Government say it is not prepared to give. Under these circumstances, if the hon. Member for Liskeard goes to a division I shall support him. I hope that I am honest enough not to desire that the Government should be condemned unheard; but with all due respect to the hon. and learned Member for Sheffield, I think that he has put a wrong construction upon the Motion. The question which he has suggested is not the one before the House. There is an important question to come on this evening, and that is, whether the navy should be reduced. I readily confess that I do not like the present Government; I am not sure that I shall approve their foreign policy; but what I do dislike is, that when they cannot get credit for their foreign policy, they should attempt to get credit with the country for an economical budget, which may, perhaps, ultimately occasion a large increase of expenditure.

Mr. WALTER : I am inclined to think that the Motion of my hon. Friend rather tends to place us in a false position. Whatever may be the merits of the policy of the Government—and I do not pretend to say whether they have dealt rightly or wrongly with the Danish question—whatever may be the merits of that question, it is still clear that we want a navy, and must vote means to pay for it. But if the Motion of my hon. Friend is carried, it postpones the whole question of providing a navy for an indefinite period. ["A week!"] My hon. Friend said three weeks; but, whatever may be the time, if you look at the effect of his Motion it comes to this, that the House must decide upon the foreign policy of the Government before they are to decide whether we shall have a navy or not. ["No, no!"] That is the real state of the case. My hon. Friend proposes, and hon. Members opposite accept the challenge, to decide by a formal vote upon the foreign policy of the Government before proceeding to vote the Navy Estimates at all. ["No, no!"] I wish the hon. Member would get up and say whether he believes in the value of the proposed reduction of the navy. I, for one, look upon it as a mere plausible delusion. Every Member of this House knows that if the country decided upon going to war we should have any amount of navy and army. It is a mere delusion for the House to suppose that it is promised anything by this reduction of half a million of money in the army and navy. We all know that the Prime Minister would come down to the House and ask for a Vote of £10,000,000, if necessary, to go to war, and the House would vote it if it thought right. Therefore, it is merely putting the issue upon a false and narrow basis to say, that because half a million is struck off the Navy Estimates, therefore the Naval Estimates are to be postponed until we have pronounced a verdict of acquittal or condemnation on the Government and its foreign policy. I hardly think that the House would be acting in a manner worthy of its dignity if it placed the question on such a narrow issue. Whenever the Danish question is proposed, the House will be bound to pronounce an opinion; but in the mean time I think that it would only damage itself in the eyes of the country by resting the question on so trifling an issue.

MR. NEATE: I am afraid that if the consideration of the Estimates is postponed, this House will appear to assume something of a threatening position towards the Powers of Europe. Such a proceeding will be as much as to say that we think there is no remote probability of our being called upon to increase our Estimates for the purpose of going to war; and that the House considers there is a more proximate probability of war than I hope there is. I think that it would be very undesirable that such an impression should be created by a deliberate vote of the House.

MR. LAIRD: I should be very sorry to see the consideration of the Estimates postponed for three weeks, but I hope that the suggestion of the noble Lord opposite will be acceded to. These papers have been coming day by day for the last seven or eight days, and, looking at them however casually, it is impossible for any man to give the most cursory consideration to them in the course of that evening. I hope that their postponement for a week will meet the support of those Gentlemen who cry up economy in this House, because we cannot now investigate the items as we ought to do, and if we do not do that to-night we shall be put off to the discussion on the separate Votes, when the Government will have it all its own way.

SIR HARRY VERNEY: I must observe, that we have yet had no discussion on the Danish papers which have been presented. I hope that the House will consent to postpone the consideration of the Estimates for a week, in order that we may, in the meantime, have a discussion upon the papers which are before us. I take this opportunity of asking the House to support me in requesting the Government to give us all the information which they possess upon this subject, more especially the Report of our Vice Consul, who was sent into the Duchies specially to inquire into their condition.

MR. COLLINS: I would suggest that the best course which the hon. Member for Liskeard could take with a view to prevent the Estimates coming on to-night, would be to withdraw his Motion. The noble Lord who has charge of the Estimates has promised, that if they cannot be brought forward before Nine o'clock he will not proceed with them to-night. Now, there are a great many Notices on the paper, and it is clear that if this Motion is withdrawn we shall not get to the Estimates to-night.

COLONEL SYKES: I have gone over the Estimates, and compared them with those of the past year, and I find that upon the reduced scale our navy is equal to those of the whole world besides.

MR. HENLEY: I think that the suggestion of the hon. Member for Knaresborough (Mr. Collins), that the hon. Gentleman should withdraw his Motion, is a very sensible one. The noble Lord has said that he will not bring on the Navy Estimates after Nine o'clock. There is Malta Dockyard to be discussed. That is, I think, quite certain to occupy the House from this time until Nine o'clock, if it does not take a good deal longer. We shall then have time to see the Danish papers, which, no doubt, will be produced, and it will save all parties that which would be a very disagreeable thing, asking the Government to postpone the Estimates because we do not know whether or not a war is going to take place. It will get rid of that difficulty; and, therefore, if the hon. Gentleman withdraws his Motion, he will, I think, do a very sensible thing.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 220; Noes 47: Majority 173.

AYES.

Acton, Sir J. D.
Agnew, Sir A.
Annesley, Hon. Col. H.
Aytoun, R. S.
Bagwell, J.
Baillie, H. J.
Baines, E.
Baring, H. B.
Baring, rt. hn. Sir F.T.
Baring, T.
Baring, T. G.
Barrow, W. H.
Barttelot, Colonel
Bathurst, A. A.
Baxter, W. E.
Bazley, T.
Beach, W. W. B.
Beale, S.
Beaumont, W. B.
Bellew, R. M.
Bentinck, G. W. P.
Berkeley, hon. C. P. F.
Biddulph, Colonel
Black, A.
Blencowe, J. G.
Bonham-Carter, J.
Bowyer, Sir G.
Bridges, Sir B. W.
Briscoe, J. I.
Browne, Lord J. T.
Bruce, H. A.
Buchanan, W.
Buller, Sir A. W.
Burrell, Sir P.
Bury, Viscount
Butler, C. S.
Buxton, C.
Caird, J.
Calthorpe, hon. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Viscount
Cave, S.
Chapman, J.
Clay, J.
Clifford, C. C.
Close, M. C.
Colebrooke, Sir T. E.
Collier, Sir R. P.
Colthurst, Sir G. C.
Cowper, rt. hon. W. F.
Crawfurd, E. H. J.
Crawford, R. W.
Dalglish, R.
Davie, Sir H. R. F.
Davie, Col. F.
Denman, hon. G.
Dering, Sir E. C.
Dillwyn, L. L.
Dodson, J. G.
Du Cane, C.
Duff, M. E. G.
Dundas, F.
Dundas, rt. hon. Sir D.
Du Pre, C. G.
Dutton, hon. R. H.
Egerton, E. C.
Ellice, E.
Enfield, Viscount
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fellowes, E.
Fermoy, Lord
Finlay, A. S.
Fitzroy, Lord F. J.
Fleming, T. W.
Foley, H. W.
Forster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Fraser, Sir W. A.
French, Colonel
Gard, R. S.
Gavin, Major
Gibson, rt. hon. T. M.
Gilpin, C.
Gladstone, rt. hon. W.
Glynn, G. C.
Glynn, G. G.
Goddard, A. L.
Goldsmid, Sir F. H.
Goschen, G. J.
Gower, G. W. G. L.
Gregson, S.
Grenfell, H. R.
Gray, Captain
Grey, rt. hon. Sir G.
Gurney, S.
Hadfield, G.
Hanbury, R.
Hankey, T.
Hardcastle, J. A.
Hartington, Marquess of
Hassard, M.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Henley, Lord
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kekewich, S. T.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E.
Laird, J.
Layard, A. H.
Lanigan, J.
Lawson, W.
Leatham, E. A.
Lefevre, G. J. S.
Lee, W.
Legh, Major C.
Lennox, Lord G. G.
Lewis, H.
Lindsay, W. S.
Lloyd, T.
Locke, J.
Lowe, rt. hon. R.
Mackie, J.
Mackinnon, W. A. (Lyming.)
Mackinnon, W.A.(Ryc.)
Malins, R.
Manners, Lord G J.
Marshall, W.
Martin, J.
Massey, W. N.
Mildmay, H. F.
Miller, W.
Moffatt, G.
Moncreiff, rt. hon. J.
Montagu, Lord R.
Montgomery, Sir G.
Morris, D.
Morrison, W.
Naas, Lord
Neate, C.
Nicol, W.
North, F.
O'Brien, Sir P.
Ogilvy, Sir J.
O'Loghlen, Sir C. M.
Packe, Colonel
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmer, Sir R.
Paull, H.
Peacocke, G. M. W.
Peel, rt. hon. Sir R.
Peel, rt. hon. F.
Peel, J.
Peto, Sir S. M.
Pilkington, J.
Pinney, Colonel
Pollard-Urquhart, W.
Ponsonby, hon. A.
Potter, E.
Powell, J. J.
Pritchard, J.
Proby, Lord
Pugh, D.
Robertson, H.
Rolt, J.
Rothschild, Bn. M. de
Russell, H.
Russell, A.
Salomons, Mr. Ald.
Scholefield, W.
Sclater-Booth, G.
Scott, Sir W.
Scourfield, J. H.
Selwyn, C. J.
Seymour, A.
Sheridan, R. B.
Smith, J. B.
Smith, A.
Smith, J. A.
Smyth, Colonel
Smollett, P. B.
Stanhope, J. B.
Stansfeld, J.
Sykes, Colonel W. H.
Tite, W.
Tracy, hon. C. R. D. H.
Turner, C.
Vansittart, W.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vyse, Colonel
Walcott, Admiral
Walpole, rt. hon. S. H.
Walsh, Sir J.
Walter, J.
Warner, E.
Watkins, Colonel L.
Weguelin, T. M.
Westhead, J. P. Brown-
Whitbread, S.
White, J.
Willoughby, Sir H.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wrightson, W. B.

TELLERS.
Mr. Brand
Sir W. Dunbar.

NOES.

Beaumont, S. A.
Cargill, W. W.
Cecil, Lord R.
Clifton, Sir R. J.
Cox, W.
Damer, S. D.
Dickson, Colonel
Doveton, F.
Elphinstone, Sir J. D.
Fane, Colonel J. W.
Farquhar, Sir M.
Ferrand, W.
Getty, S. G.
Gore, J. R. O.
Greene, J.
Greville, Colonel F.
Grey de Wilton, Visct.
Griffith, C. D.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, I. T.
Harvey, R. B.
Hennessy, J. P.
Hopwood, J. T.
Horsfall, T. B.
Ingestre, Viscount
Jolliffe, rt. hon. Sir W.
Knox, Colonel
Langton, W. H. G.
Leader, N. P.
Lennox, Lord H. G.
Long, R. P.
Lonfield, R.
Lygon, hon. F.
Malcolm, J. W.
Manners, right hon. Lord J.
Morritt, W. J. S.
North, Colonel
Parker, Major W.
Roebuck, J. A.
Smith, Sir F.
Somes, J.
Stracey, Sir H.
Sullivan, M.
Talbot, hon. W. C.
Thynne, Lord H.
Verner, E. W.

TELLERS.
Mr. Osborne
Sir John Hay.

ADMIRALTY DOCK AT MALTA.

RESOLUTION.

CAPTAIN TALBOT, who had given notice on Navy Estimates, to move, "That the project of constructing a Dock at the head of the Marsa at Malta be abandoned, and that the site at the head of the French Creek, recommended by Admiral Sir William Martin and Vice Admiral Codrington, be selected for that purpose," rose to bring the subject of his Notice before the House. The hon. and gallant Member said, that before the Navy Estimates were proceeded with last Session he had received information of the great blunder the Admiralty were about to commit in constructing a first-class dock two miles from their establishments. He was assured that such a dock would neither answer the purposes of the naval service nor of the commercial shipping of the island. He was further informed that the whole scheme was in direct opposition to the opinion of Admiral Sir William Martin and Vice Admiral Codrington, who, if there were any persons capable of forming a correct judgment on the subject were the men, an opinion embraced unanimously by the whole naval service. The two Admirals had, he was informed, written strong letters of remonstrance to the Admiralty, trying to dissuade them from their scheme. He was also informed that the Government had incurred great expense to get possession of the French Creek—he might say unlimited expense, for the Government were as yet unaware of the precise cost which the possession of the Creek would entail. French Creek was of the very greatest importance, for it was available for the reception of the very largest ships; yet the Government having been at such vast expense in obtaining possession of it were now about to abandon it, and had selected a place which presented many disadvantages, and would be two miles off from the rest of their establishments. Considering such conduct on the part of the Admiralty nothing short of infatuation, he had felt it his duty to call attention to the subject last year when the Navy Estimates came on. The case appeared so strong against the Admiralty that he felt very diffident of the information he had received. He asked several questions of the noble Lord the Secretary of the Admiralty, and the answers he received were very satisfactory. Had the statements made by the noble Lord been supported by the facts of the case, they would have tended very much to remove his apprehensions; but, on a subsequent occasion, he found that not one of them was accurate. This was a very grave charge to make against the noble Lord. The noble Lord the Secretary of the Admiralty proposed a large Vote to carry out the scheme, and in doing so made statements entirely unsupported by the facts of the case. To say the least of it, this showed gross ignorance on the part of the Secretary of the Admiralty. He should leave it to the House to judge whether he was not correct in the statements he had made. He had said his information was that the distance of the place where the Admiralty proposed to make this dock was very nearly two miles from the dockyard. The noble Lord said it was nothing of the sort; he believed it to be about half a mile. Another statement of the noble Lord was equally inaccurate—that the Maltese Government were prepared to subscribe a sum of money towards the expense of this dock. The Maltese Government did not contribute one penny for that purpose. He hoped the noble Lord would give some further explanation on this subject to-night. The noble Lord said that it would be unadvisable to adopt the French Creek plan, on account of the shallowness of the water; but, in point of fact, that was a magnificent natural basin, which would receive the largest men-of-war in Her Majesty's service, and had never required dredging within the memory of man. Had he possessed more full information, he should have taken a vote of the House on this subject, but he felt reluctant to do so, and on the earliest opportunity he had asked the noble Lord to lay the papers on the table. He was told it would be highly inconvenient to the public service to produce the papers. This was very unsatisfactory. A large sum of money was involved, yet when they asked for papers they were debarred from information by the Secretary of the Admiralty. He then moved for the papers; the noble Lord opposed their production; but the noble Viscount at the head of the Government rose in his place, and with his usual tact saw the feeling of the House, and said there was no reasonable ground for withholding information. This was on the 12th of May last year. The papers thus promised were not produced till very nearly the last day of the Session, and when produced it was discovered by his hon. and gallant Friend (Sir John Hay), with his usual diligence, that some very important papers had been, he would not say suppressed, but, at all events, omitted. One of the papers was a letter written by Vice Admiral Codrington, not long before he gave up the command. In this letter, the gallant Admiral dealt with the whole subject, and pointed out the value of a dock at French Creek, and showed that if a dock were made at Marsa it would be of little or no use to the commercial shipping of the island. He thought, therefore, that the House had ground of complaint against the Admiralty, and especially because in the papers laid before the House there was no detailed plan or estimate for the dock they proposed. Either the Admiralty had adopted the scheme without any proper and detailed estimate, or else having such estimate they had withheld it from the House. The excuses offered by the Board of Admiralty for refusing to carry out the plan recommended by the two Admirals were most extraordinary; and it was very much to be regretted that they should have adopted a plan without previously consulting the two Admirals who were on the spot, and best qualified to give an opinion upon the subject. The Admiralty, no doubt, had been governed very much by the report of the director of works at Malta, Mr. Scamp, who curiously enough objected to a dock at French Creek, because its distance from the existing dockyard would render it necessary to erect new buildings, and would also entail the necessity of supplementary estimates. It was difficult to understand how Mr. Scamp could have arrived at the conclusion, that if a supplementary estimate would be necessary for the formation of a dock at French Creek, which was 800 yards distant from the dockyard, it would not also be required for the formation of a dock at Marsa, which was two miles distant. The blunder in this case was to him inconceivable; for if the Admiralty had simply made upon the chart a measurement of the distances, they must have seen how great a mistake they were committing. Not having done so, it was a piece of neglect which, when they had discovered their error, they ought to have rectified. The blunder did, indeed, at last become so obvious, that the Board of Admiralty gave up their plans, and, in reply to a letter from Admiral Martin, said they concurred with him in thinking that French Creek would be the best position for a dock when it could be obtained. They thus implied that a dock could not be made immediately at French Creek; but that was erroneous, for it was competent for them at once to set about making a dock there. The last letter from Admiral Codrington referred to a correspondence with Sir John Le Marchant, Governor of Malta, the effect of which was to show that in 1860 the Governor was contemplating the construction of a dock at French Creek; but that correspondence was not given in the papers before the House. When he found such blundering, he could not have any confidence in the Board of Admiralty, who had been bamboozled by colonial advisers and the local director of works, and, when made aware of their mistake, refused to rectify it. They had been for months in possession of all the facts, and yet had done nothing to supply the want of a first-class dock at Malta; but when he put a question a few nights ago upon this subject—there having been no change in the facts—the noble Lord the Secretary to the Admiralty said, that as there was a conflict of opinion, it had been determined to send out an eminent engineer to make a report. But, why, with all the facts in their possession for many months, was not an eminent engineer sent out long ago? In the correspondence he found, that so far back as January of last year, Admiral Martin wrote a strong letter, and forwarded a letter from Admiral Codrington, pointing out the objectionable nature of the Admiralty scheme, and suggesting that an eminent engineer should be sent out to report upon the subject. The reply was, that the Board had decided upon the Marsa scheme, and saw no reason to send out an engineer. Why, with the same facts, was a different course now taken? Admiral Martin had previously suggested that Admiral Codrington should be allowed to come home, in order that he might place his views before the Board; but the answer was, in effect, the same as that he had just referred to. He thought the Admiralty deserved great censure for their neglect, and waste of valuable time in this matter. The subject was of great importance, because we had in the Mediterranean only two small docks capable of receiving ships drawing twenty-two feet, whereas most of our line-of-battle ships drew, at least, twenty-seven, and, therefore, to allow them to enter the existing docks, the guns, stores, men, and sometimes machinery, had to be removed. There would, consequently, be a delay of some days in entering the dock, and the same delay in getting out again. Docking a vessel at any time was a delicate operation, but in the case of an iron-clad ship it was, of course, still more so, for she could not remove her armour for the purpose; and at this moment we had no place in the Mediterranean where a vessel of that class could be taken in. Admiral Codrington, writing as far back as the 2nd of December, 1861, called attention to the subject, and dwelt upon the consequences which might ensue if a delay of six weeks were incurred in sending home British vessels, while foreign nations could have theirs at sea again perhaps in six days. The gallant Admiral stated that, practically, the iron-sided ships could not be docked at all, although it was absolutely necessary that there should be the greatest facilities for their doing so. The Admiralty, notwithstanding their attention was thus directed to the point, had done nothing in the interval to supply this vital want. By an arrangement, entered into in 1860, with the civil authorities of Malta, an exchange of water was agreed upon, the Government acquiring a large creek of great depth in the vicinity of the dockyard, agreeing, in return, to deepen the Marsa for the use of the commercial shipping. The first estimate for that purpose was £125,000, of which cost the civil Government agreed to give half, and if there should be an excess of 30 per cent, to pay a fourth of that excess; but beyond that they refused to bind themselves. It also formed part of the arrangement, that what was called the north-west basin, should be constructed with a depth of twelve feet, for the use of the commercial shipping. The sum named was manifestly inadequate; but, in fairness to the Admiralty, he did not deny that the possession of French Creek was an object worth almost any sacrifice to obtain. Subsequently the Admiralty were led, he had no doubt, by allowing proposals on the part of the Maltese Government, to adopt a scheme which he regretted for the credit of the Admiralty and for the interests of the navy. This was that a first-class dock capable of accommodating the *Warrior*, or others of our largest class of vessels, should be constructed on the inner side of the north-west basin. But to get access to the dock it became necessary to deepen the basin from twelve feet to thirty feet, which, of course, entailed great additional expense. Moreover, a ship in entering would have to turn round or nearly round, the dock being at right angles with the basin, and he need not enlarge upon the confusion and accidents which must occur when a heavy ship 400 feet in length was put into a basin 500 feet long by 600 feet wide, crowded with merchant shipping. In the Estimates for the last and the present year, the Admiralty proposed to deepen the basin and to construct this north-west dock for a sum of £50,000. He did not pretend to have any special engineering knowledge; but he would ask, were the Admiralty in earnest in making this proposal? Such an Estimate he looked upon as preposterous. The Admiralty, no doubt, hoped that the site they had settled upon would prove soft but perfect rock, and that they would have nothing to make but a rectangular excavation. The fact, however, was, that as soon as they cut down fifteen feet below the sea line the water came in quite rapidly; the rock, instead of being perfect, was full of fissures and flaws, and the dock would therefore have to be constructed in the ordinary way and faced with masonry, which was a most costly operation. He would, in the next place, call the attention of the House to the French Creek, where the Admiral—and, indeed, he might say, almost everybody else—thought the dock in question ought to be constructed. That creek was at the end of a natural basin, in which ships could move in any weather, and which could be made available at all times. The Admiralty, he might add, admitted that it was the best site for the new dock, but then they contended there would be great difficulty in commencing the works there at once. He defied, however, anybody who had carefully read the papers to prove that there was in them one iota of argument to establish the justice of that view. The Admiralty, moreover, maintained that the elective members of the Council at Malta were opposed to the construction of a dock at the French Creek, and that the inhabitants generally of that island would think we were breaking faith with them if we were to adopt any such plan. From a letter, however, which had been written by the members of the Council to the noble Duke at the head of the Admiralty it would be seen, that those statements were entirely fallacious, inasmuch as in that letter they said that they had no wish that a naval dock should be constructed at the Marsa in preference to the

French Creek, and that if arrangements could be made so as that the merchant shipping should not be disturbed, they had no objection to the works being commenced at the latter place without delay. The people of Malta, in reply to a letter which had been addressed by the Council to the members of the Chamber of Commerce there, gave expression to a similar opinion. But beyond that the disadvantages of the Marsa were very great. It was difficult of access to the commercial shipping, while the difficulty of vessels turning round in the basin was so great, that there would be constant danger of collision. The French Creek, on the other hand, was always easily accessible, and was free from those dangers which existed in the case of the Marsa, as was clearly pointed out by Admiral Codrington. He regretted that the forms of the House prevented him from submitting a formal Motion on this subject, because he thought the House ought to have an opportunity of expressing an opinion upon it.

LORD CLARENCE PAGET said, that he thought the hon. and gallant Member had used very intemperate and unjust terms towards him. He had accused him of deliberate mis-statements, of mutilating printed papers, and of suppressing important documents. (Captain TALBOT: No, no!] He (Lord Clarence Paget) begged pardon—he had taken down the words used by the hon. Gentleman. It was true that there were one or two letters from Admiral Codrington which were not in the papers produced; but the fact was he was not aware of their arrival, and his hon. Friend beside him (Mr. Stansfeld) informed him they had accidentally been mislaid. There was no desire whatever to keep them from the House. The hon. and gallant Member also accused him of a deliberate mis-statement with regard to the distance between the harbour and the dock. He certainly was not prepared at the time to state the exact distance. The hon. and gallant Member said it was two miles. [Captain TALBOT: Nearly two miles.] He admitted that he had been mistaken as to the distance; but there was no deliberate mis-statement on his (Lord Clarence Paget's) part. In fact, the proposed dock at the Marsa was much nearer to the anchorage of ships of war than the hon. and gallant Gentleman would have the House believe. The principal object the Admiralty had in view in agreeing to the construction of the proposed dock, was that it was extremely handy to the place where ships usually lay, and that large iron-cased vessels could easily go in there and have their bottoms cleaned, and come out without loss of time. He did not believe that any Member of that House was capable of making a deliberate mis-statement, but the hon. and gallant Member had made a very gross mis-statement when he said that the dock was unfit for our iron ships. Now, they had two large iron ships, the *Royal Oak* and the *Resistance,* which could be docked in the present dock. [Captain TALBOT: Can first class iron ships go in with their stores on board?] He did not know what the hon. and gallant Member called first-class iron ships. He should call the *Royal Oak* a first-class iron ship, and the *Resistance* a very large and powerful ship. However, that was nothing to the purpose. The Government of Malta agreed to give us a certain portion of Malta harbour for our men-of-war, provided we would make another portion of that harbour available for merchant ships, and they told us that if the Government would assist them in deepening the Marsa, they would give us the so-called French Creek. The statement of the Governor of Malta in Council was this—"that the merchant ships should continue in possession of French Creek until all the works of the Marsa should be completed." Would it not, therefore, be breaking faith with the Maltese Government if we were to attempt to occupy French Creek before that part appropriated to the merchant service should be completed? He really thought this was not the proper time to discuss this question. The Government had had reports undoubtedly from two very distinguished officers, Admiral Codrington and Sir William Martin, to the effect, first of all, that the dock could not be constructed for the sum stated in the first estimate, and secondly, that it would be better to adopt the French Creek. Admiral Martin put forward a plan of his own, which the Government considered utterly unfeasible. This was a proof that they could not accept his views as altogether without bias. Last year the Duke of Somerset sent out Sir Frederick Grey and a civil Lord of the Admiralty (Mr. Whitbread) to report their views on the subject. They reported that they believed this Marsa would be a very valuable dock. They did not deny that French Creek might ultimately be very available for a commercial dock, but it appeared to them this dock in the Marsa could be more easily constructed. The Government had no desire to build in the Marsa more than in French Creek. All they had to do was to be guided by their engineers, and to a certain extent by the report of Sir Frederick Grey and the hon. Member for Bedford. Should they have been justified in the face of the report in breaking faith with the Maltese Government by commencing operations in the French Creek, and in upsetting all the arrangements which had been made? Since then the Government had sent out Mr. Maclean, one of the first civil engineers in this country, who would make a report, and the Admiralty would give it due consideration before they came to a decision on the matter. The Government had taken the best means to ascertain which place would be the best for the public service. He would therefore ask the House not to bind itself to this or that scheme. He denied that the Admiralty, in the course they were taking, were doing a foolish thing. There was an immense increase in the merchant shipping at Malta, and the new dock would be of great utility to the large steam navigation companies who at present had no dock accommodation for their vessels at Malta; so that the money would be far from being thrown away even if it did not answer for men-of-war. He hoped the House would excuse him going into details until they had received the report referred to.

SIR JOHN PAKINGTON said, he could not agree with the noble Lord that the present was not the time to discuss the question brought before them. He thought it was the time. From all he had learned he believed that the Admiralty were doing a very foolish thing, and he hoped that on consideration they would be induced to take a wiser course. He regretted that his hon. and gallant Friend the Member for Waterford (Captain Talbot), owing to a division having already been taken on another subject, was prevented taking the sense of the House upon this Question. He hoped he would do so on another occasion, and that the noble Lord opposite would not shrink from giving those explanations which the House had a right to receive before voting the large sum asked for, and which he feared would be wasted and thrown away. He was sure his hon. and gallant Friend had no intention of making a personal attack on the noble Lord opposite; but he begged to remind the noble Lord that the Question was between an intentional mis-statement and a mis-statement that was not intentional. The noble Lord did not deny that he had made a mis-statement. [Lord CLARENCE PAGET: I do deny any mis-statement.] The noble Lord had just admitted he had made a most important mis-statement. He (Sir John Pakington) wished to impress on the House that when they were dealing with a large expenditure of public money they had a right to expect that those who represent the Government should be accurate in their statements. Last year the noble Lord told them that it was only half a mile from the dockyard to the site of the proposed new dock. Now the noble Lord said it was two miles. [Lord CLARENCE PAGET: It is not two miles.] He believed it was about one-twelfth part of a mile short of two miles, and that the measured distance was one mile and eleven-twelfths. He need not point out the inconvenience that must arise from so great a distance. The distance of the French Creek from the dockyard was only 800 yards. But there was another grave consideration. He had been told that if they laid out a large sum in the construction of the dock it would be the joint property of the commercial body of Malta and of Her Majesty's Government —so that when a ship of war arrived for repairs it might be that the dock would be occupied by other vessels. They would have to dredge one mile and eleven-twelfths. There was another mistake of the noble Lord. He told them last year that the expense was to be divided, and that the Maltese authorities were to contribute £10,000 towards the construction of the dock. He had been informed that that was not the case, and that the money would be expended in dredging and clearing out the Marsa; and that anything left over would be expended on the dock. But it was notorious to any one who knew anything about the matter that not a farthing would be left. But the concluding part of the noble Lord's statement was the most unsatisfactory of all. The noble Lord had told them that he had sent out an engineer to give them another opinion. They did not want another opinion. They had had opinions enough. It was a question which related to the convenience of the fleet. It was not a question for engineers, but for the Admiralty, and they ought not to depute it to any engineer. He hoped the

Admiralty would, before they came to the House for a vote on the subject, consider well the opinion of men who must be regarded as authorities on the subject. Sir William Martin had been Commander-in-Chief in the Mediterranean for the last three years. They had also the authority of Admiral Codrington, whose letter on the subject his hon. and gallant Friend the Member for Waterford had thought had been suppressed. When his hon. and gallant Friend accused the noble Lord of having suppressed documents, he was certain he did not intend to speak offensively; but the paper was in existence, they did not get it, and when mis-statements were made and papers withheld, he thought the noble Lord ought not to show himself so sensitive. That paper contained the opinion of Admiral Codrington, who had been for four years the Admiral Superintendent of this very dockyard. Who was to be a judge of the question if Admiral Codrington was not? In favour of the dock was Colonel Greene, Director of Engineering Works in England, and a very excellent officer, but not to be compared as an authority with Admiral Codrington. But the Admiralty, not satisfied with the unbiassed judgment of two of the best authorities that could be found, had sent out two Lords of the Admiralty in order to decide the question—Sir Frederick Grey and the hon. Member for Bedford (Mr. Whitbread). They were all very sorry for the cause which had obliged that hon. Member to resign his office, for no one could have filled it more creditably; but it was no discredit to those gentlemen not to take their opinion when in opposition to such authorities as he had quoted. He was satisfied that to spend money as the Government proposed would be so unwise that the House would not sanction it, and he hoped the Admiralty would abandon the scheme.

Mr. CHICHESTER FORTESCUE wished to say one word as to the agreement of 1839, between the colonial Government and the Admiralty respecting the position and the use to be made of French Creek. The Governor of Malta wrote home to inform them that the resolution of the Council of Malta, and the whole arrangement for sharing the expense, rested upon the proviso that the merchant shipping should continue in possession of French Creek until all the works intended to be performed at Marsa should have been completed. The Council of Malta would not have entered into the arrangement, except for the positive assurance that no portion of the shores or water of the French Creek should be used for Admiralty purposes until the entire works were completed, and any departure from this assurance must be considered a breach of the engagement.

Sir JOHN PAKINGTON wished to say that he had counselled no breach of the engagement.

Captain JERVIS said, he considered the Government proposition to be altogether of a most extraordinary character. The only money they proposed to ask Parliament for in respect of the plan was a sum of £50,000, and with that they proposed to build a second class dock in Malta. They did not ask for a sixpence for the erection of shops and buildings for machinery, and the providing of those appliances for the benefit of the merchant shipping on account of which the Maltese Government were willing to share the expenses.

Sir JOHN HAY thought that there were one or two points which it was desirable should be in the possession of the House; and first he would refer to the assertion of the noble Lord the Secretary to the Admiralty, that the present dock at Malta was capable of receiving first-class iron-clad ships. The fact was that the *Agincourt*, *Minotaur*, *Northumberland*, *Warrior*, and *Black Prince*, drew 28 feet of water; the *Prince Consort*, *Royal Oak*, and *Royal Albert*, 26; the *Defence*, 23; and *Resistance*, 22 or 23; and not one of these ships could go into the dock without being lightened. He had himself commanded a line-of-battle ship which drew twenty-six feet of water, and having to put into Malta for repairs, which could have been done in a day, it took nearly a fortnight to lighten her and to get her in and out again. In the case of iron ships, their great weight being in their plates, they could not thus be lightened, and therefore the dock at the Marsa was inaccessible to them. It was proposed only to deepen the harbour to twenty-five feet, and the dock was to be inside the harbour; that was, though the dock itself was to have thirty feet of water on the sill, yet no ship drawing more than twenty-five feet could get through the harbour to it. Ships of war also would have to go to the dockyard to unship stores, and then go to the dock at the Marsa. Something had been said about the uncertainty of the opinion of Sir William Martin; but he (Sir John Hay) could state that Sir William Martin's opinion was that the dock should be in the French Creek, and that to have a dock at the Marsa would be an expensive waste of public money. The question was not whether £50,000 should be spent, but whether the money to be spent at the Marsa would not be wasted. What they wanted was an efficient dock in Malta harbour, and the whole maritime power of the country might be brought to a standstill in time of war if the Admiralty constructed the dock in an improper position. He did not wish to say that any document had been suppressed; but still the Report which had been acted upon was not among the documents which had been printed. All the documents were in direct opposition to the Admiralty, except the Report of Colonel Greene, and this Report was not produced. The Government, however, did not seem to rely much upon the Report, for they said that they were going to send out a distinguished engineer—of whom he did not know whether any hon. Member had heard before—to report upon their own officers. The Government, therefore, seemed to have no trust in the Report which they refused to give to the House. The two Governments, the English Government and the Malta Government, were to make themselves joint-stock owners of the docks, and the Admiralty had agreed that in case the docks should be unfit for use, and the naval authorities should decline to put them into a proper condition, the Malta Government might take possession, and they were to become from that moment the property of the Malta Government. If at any time the necessary machinery was not in a fit state, the Malta Government might raise the question whether the docks did not belong to them for the use of the mercantile community of Malta. He could only say, in conclusion, that he hoped that his hon. and gallant Friend (Captain Talbot) would, on some future occasion, take the sense of the House upon this waste of public money and gross neglect of Imperial interests.

MR. WHITBREAD said, that nobody doubted the necessity of a new dock at Malta—one that should be able to take in the largest vessel in the navy—and the only question was, in what way such dock should be formed. With all deference for the opinion of Admiral Codrington and Sir William Martin, he must in preference take the authority of the Governor and Council of Malta as to when possession of the French Creek could be got. He had been on the spot, and was assured there that it would be regarded as a flagrant breach of the agreement if the Admiralty took possession of the upper part of French Creek before the arrangements which had been detailed were carried out. He himself also believed that such a course would be a flagrant violation of the engagements of the country. Any dock constructed at the head of the French Creek, or by the north-west basin at Marsa, would require floating factories or factories on shore; whereas, if a dock were constructed in the mercantile water at the Marsa, it appeared probable that private factories would be established by the side of it. The many large steam vessels which navigated the Mediterranean had now to go to Marseilles for repairs, whereas if there were a dock under English management and of sufficient capacity at Malta, they would infinitely prefer using it. The gallant Officer who had just sat down had stated that when the new dock was constructed it would be impossible for any vessel drawing twenty-five feet to enter it. It was quite true that the mercantile water was all over twenty-five feet; but it was clear from the correspondence that it was intended to construct a channel of width and depth sufficient to give access to any vessel in Her Majesty's service at present afloat. It was said that the new dock would be two miles from the present dock; but it was not two miles from the anchorage, and measured in a line from the present anchorage the two docks would be about equi-distant. He did not deny that French Creek was the best situation for a purely naval establishment, but there could then be no private workshops and no assistance from the trade of the harbour. Every argument which had been urged to-night, and many more, had been fully considered. They had heard what the Governor, what the naval authorities, what Sir William Martin, what Admiral Codrington, and what the Director of the Works had to say, and, having had ample time to rectify any mistake, he believed that this was a good and economical bargain for this country, and a wise arrangement on the part of the people of Malta.

MR. ADDINGTON said, that, although the hon. Gentleman told them there would be a sufficient channel, still the situation of the Marsa would be exposed to the prevailing winds which invariably drifted in the soil, and the contingency was provided for by a stipulation that the soil should be carried away a distance of two miles. No one conversant with the correspondence could lose sight of the circumstance, that a good deal depended on the construction of a canal to unite the two harbours. But for several years he had heard that if a canal were formed it was very possible that the military authorities, in case of war, would lay their hands upon it. It was admitted that, if it were a mere question of site, French Creek was the place where the dock should be constructed. The question was, not whether they should choose a site which should be convenient for the merchant shipping; when they were called upon to consider a charge upon the Navy Estimates, what they had to do was to consider what was best for the navy. He was credibly informed that if a site on the Valetta side were surrendered to the merchants, they would prefer that to the site at Marsa, and every naval man, with the exception of one who was connected with the Admiralty, had pronounced in favour of the naval dock being constructed at French Creek. Another advantage which ought not to be forgotten was, that the quarries were close to that site, whereas the stone for the works at Marsa would have to be transported some distance by a very indifferent road. As a naval man, and as one who had had some years' experience and knowledge of the harbour, he could confirm everything which had fallen from his hon. and gallant Friend (Captain Talbot), and from other hon. Members who had taken the same view of the subject.

ROYAL COMMISSION ON DOCKYARDS.

OBSERVATIONS.

Mr. LINDSAY rose to call attention to the Report of the Commissioners appointed by Her Majesty in 1860 to inquire into the control and management of Her Majesty's Naval Yards; and to move, that in the opinion of this House the recommendations of the said Commissioners ought to be carried into effect. He said that he had hoped that the Naval Estimates would be postponed for a week, to give time for considering them; but he desired to make some observations on the Estimates as they stood.

Mr. SPEAKER said, that the hon. Member would not be in order in referring to items in the Estimates, which were about to be discussed in Committee.

Mr. Addington

Mr. LINDSAY said, that he did not intend to comment upon any items of the Estimates, but to offer some general remarks upon them as a whole. The total amount of the Estimates was upwards of £10,000,000; there was a reduction on last year of £300,000, and on the previous year of £1,300,000. He gathered this from a statement printed upon the Estimates, and which he regretted did not go back for seven or eight years, for then it would have shown that in 1858-9 the amount was £9,100,000, and the year before £8,200,000. The manner in which the reduction of £300,000 was proposed to be effected, was by asking a Vote for 2,000 Boys, 1,500 of the Coast Guard Service, and 500 able-bodied Seamen less than were asked for last year, with some reduction of stores; and yet at the same time there was to be a considerable increase in Vote 8, by adding 2,300 hired workmen in the building and 600 men in the Engineering Departments. Now, this increase could only be accounted for by the supposition that either they were going to spend a larger sum of money than formerly, or that they were about to reduce the stock of timber and other materials on hand, and thus be obliged to ask in future years for increased votes to make good the deficiency in the stock. He objected to the course pursued by Her Majesty's Government. They gave explanations about the most trivial items, but did not properly account to the House for the larger amounts. Thus details of what each class of seamen received were given.

Mr. SPEAKER: I must remind the hon. Gentleman of what I stated just now. It appears to me that the course which the hon. Gentleman is now pursuing is exactly that which he said he did not intend to pursue. The Notice given by the hon. Member for Waterford referred to the construction of a dock at Malta, and to a choice of sites. It was of that kind that it could not be debated in Committee of Supply, but could, without impropriety, be brought under the notice of the House; but the course which the hon. Member is pursuing is quite different. He is going into an enumeration of particular items of the Navy Estimates. Those Estimates have been referred by the House to a Committee of Supply, and it is not in accordance with the practice of the House to discuss those items at the present stage.

Mr. LINDSAY said, he did not propose

to refer to the items of the Navy Estimates, but to a Parliamentary paper laid before the House, which he held in his hand, containing the annual expense for ships built in 1862 and 1863. While the Government informed the House of the amount spent in Bath brick and candles, they passed over, without explanation, such sums as £200,000 for "timber, &c.;" and information on these larger items of expenditure ought to be given before the House went into Committee of Supply. Some years ago, the House felt more deeply than at present that the country was not getting value for the large sums which they were expending upon the navy. The late Government appointed a Committee, presided over by Admiral Smart, to inquire into the subject; and the Committee was followed by a Royal Commission on the same subject. That Commission examined the entire question of the dockyards, and issued a Report, in which certain recommendations were made. He wished to know what the Government had done to carry out the recommendations of the Royal Commission, and the reasons why they had not carried them out. The Report found fault with the system of accounts as elaborate, while the results were not to be relied on for any practical purposes. The Admiralty had been trying to remedy this; but the accounts had become still more elaborate, and could not be relied on at the present time more than in 1859 and 1860. Then the Commission recommended an entire change in the constitution of the Admiralty. He wished to know why this important recommendation was not carried into effect? As matters stood, there was no responsibility at the Admiralty. The heads of the departments were responsible to the Lords of the Admiralty, but were the other Lords responsible to the First Lord, and was the First Lord responsible to that House? It was said that the First Lord was supreme at the Board; if he was not supreme, and any fault was found with him in that House, could the First Lord for instance say that the blame did not rest with him, but with the civil Lord? And, again, could the civil Lord shift the responsibility to the First Lord? The Commission recommended that there should be a Minister solely responsible for the management of the dockyards and for the administration of the affairs of the Admiralty. He (Mr. Lindsay) would be glad to know whether the Admiralty had considered this question. Much good would be effected if there was a Minister of Marine responsible to the country, at the head of the Admiralty, and the other officers responsible to the Minister of Marine. The Commission drew attention to the cost of constructing and converting Her Majesty's ships. He feared that on this point there had been no improvement since 1860, and that a five-pound note did not go further in the building of a ship now than at the date of the Commission. He was satisfied that without a radical change in the administration of the navy they could not have that economy, combined with efficiency, which they so much required.

MR. BENTINCK said, he must say that he admired the gallant conduct of his hon. Friend the Member for Sunderland in this matter: he went on hoping against hope, determined never to lose sight of his object, but without the slightest chance of obtaining it. The hon. Gentleman had quoted the Report of the Royal Commission, and he told the House what were the recommendations of the Commissioners. In the first place, they said the control of the dockyards was inefficient, and the Report went on to raise three other objections. But it appeared to him (Mr. Bentinck) that, having arrived at the first objection, the Commissioners might have saved themselves the trouble of arriving at the other three, for they were all included under the one head—the constitution of the Board of Admiralty. His hon. Friend asked the House this question—why the Admiralty had not carried out the recommendation of the Commission, and reconstituted the Board of Admiralty? He believed that so long as the constitution of the present Board of Admiralty existed, so long would the present state of things be continued. The Board of Admiralty was intended to be a body whose duty was to keep the navy of Great Britain in the highest state of efficiency; but it was in fact neither more nor less than a political jobbing office. He spoke not against any particular Government, or any particular individual; he only said that it was inevitable, so long as the Board of Admiralty was constituted as it was—so long as it continued to be not a combination of nautical talent—it would be a political jobbing office, always seeking to serve first the exigencies of party. The hon. Gentleman asked the Government why they had not carried out the recommendations of the Commission. In answer, he must say he did not believe that they would give up their position, because such a question was asked on such a Motion as then proposed. Then with reference to the Committee that was appointed to inquire into the constitution of the Admiralty—at the time it was proposed, he took objection to the constitution of the Committee, because it was composed almost exclusively of officials and ex-officials who were interested in maintaining the present state of things. He ventured at the time to predict what would be the result of the labours of the Committee. After sitting some time on the Committee, and hearing the self-laudatory speeches that were made, he came to the conclusion that the whole thing was an utter waste of time, and he requested the Committee to allow him to retire, and they kindly did so, and the Committee continued to sit till the end of the Session. At the commencement of the following Session the hon. and gallant Member for the North Riding (Admiral Duncombe) was asked if he would move the reappointment of the Committee; and he declined, as he said it was useless. He did not mention these facts to show simply that his prediction had come true, but in order to show that this mode of dealing with the question was utterly useless, for nothing would be done till the House of Commons determined to reconstitute the Board of Admiralty, and did away with the absurdity of putting civilians at the head of the Department who were utterly incompetent for the post. There were plenty of hon. Gentlemen ready to attack the Board of Admiralty, but they consisted of two classes—those, on the one hand, desiring to put an end to the present anomalous state of things; and, on the other, those whom he would call the peace-at-any-price party, who were desirous only of cutting down the vote for the defences of the country. So long as there was this unnatural alliance, and so long as the House of Commons did not take the question fairly in hand, these discussions were useless.

Sir FREDERIC SMITH said, he was glad to think that the hour had passed after which the noble Lord the Secretary of the Navy had stated that he would not bring on the Navy Estimates for discussion, for he did not think they were yet in a position to discuss them. A blue-book entitled "Navy Labour Charges," which did the utmost credit to the hon. Member for Halifax (Mr. Stansfeld), had just been published. It contained an account of almost every halfpenny that had been spent in the dockyards. It would obviously be of the utmost service to the House; but as it had only been delivered four days, and as it contained 196 pages of closely-printed matter, the House had not had sufficient time to make itself acquainted with its contents. Other valuable Returns had also been delivered, which they ought to have more opportunity of studying. He found, for example, a charge of £51,764 for repairs in a single year of the *Black Prince.* He should like to ask the Government for some explanation of that. The charge was a monstrous one, and he should like to know whether it was the constructor's fault, or whether it arose from a fault in the building of the ship? He should like also to ask why the construction of naval barracks had been delayed? No one could doubt that they would be of the greatest possible utility to the service, and of the greatest importance to the health and well-being of the men. The matter had been discussed for two or three years past, and money had been voted for these barracks; yet not a brick had been laid. He should be glad to have some explanation of this. Again, there was the great question of how the iron-cased ships of the country were to be clad? They had had all sorts of targets proposed for the naval service; and he should be very glad to hear from his hon. and gallant Friend (Sir John Hay), than whom there was no higher authority in Europe, his opinion on what had been done. His own idea was that it would have been very desirable to have tried the experiment upon the *Minotaur* target before the ship was built. Why was not that done? Nobody would say that the armour of the *Warrior* was not superior to that of the *Minotaur, Northumberland,* and the *Agincourt.* He had recently read a pamphlet by Mr. Chalmers, who asserted that he had invented a target which was better and cheaper than any that had yet been made. By the liberality of the hon. Member for Finsbury (Sir Morton Peto), Mr. Chalmers had been enabled to construct a target on his plan, and it had certainly answered better than any other that had been tried; but while the Government had (very properly) repaid the hon. Member for Finsbury for risking the £1,200 which he had advanced, they had left the unfortunate inventor to bear his share of the cost, besides his loss of time and trouble. All that the Admiralty had done was to inform him, that although his plan was the best tried it was not suitable for the naval service. But surely they might have found out that before the experiments were tried, if such were the fact; and thus have saved the inventor his trouble, expense and disappointment. Referring to another point, he had heard that the Russian Government had invented a very powerful gun, and that they were using steel shot. He hoped his noble Friend would not, at any time, say that we had got the right gun; and although it was well known that the Government had been making numerous experiments, at an enormous cost to the country, everybody knew we had not yet got a gun suitable to the requirements of the times. He believed that no other country had a better gun, and so in that respect we were in the same state as our neighbours; but we ought to be in a better condition, considering our vast outlay on the investigation. He believed that if we had mortars which would throw long ranges, they would be very valuable; and he hoped the Admiralty would turn their attention to the construction of them. He desired to ask the Secretary of the Admiralty a question of which he had given notice, On what grounds the Admiralty have declined to apply to Parliament for a Grant of Money in aid of the erection of a Church and Schools at Brompton, it being understood that the Admiralty did apply for a Grant of £4,000 for the erection of the Church of St. James, Devonport?

MR. FERRAND said, that the hon. Member for Sunderland had given notice of his intention to bring before the House the recommendations of the Commission of 1860-1 appointed to inquire into the management of Her Majesty's dockyards. Now he (Mr. Ferrand) said, that the Dockyards Commission was formed of four Whigs and one Tory, and, therefore, he had not much confidence in its reports. Last Session he had complained of the tryanny practised, not only by the present Admiralty, but by that of every Whig Government. He was then told that his language was too strong; but he did not think it was at all stronger than the circumstances demanded. The tyranny exercised over the workmen was in fact so great, that many of them had been driven from the dockyards, and he was informed that the Admiralty had had agents travelling through the country to try and induce shipwrights to leave the private and enter the Royal yards. He was informed, moreover, that petitions were constantly coming up from every class of mechanics and artisans complaining of some hardship or other. The hired men had also grievous complaints, which they had laid before the Board, and which were most ably set forth last summer in a letter published in *The Times*. He should be glad if the Admiralty would allay the bad feeling which now existed, and would show to the working men employed in the Royal dockyards that justice would be done them. Again, the appointment of Mr. Reed as Chief Constructor of the Navy had been looked upon, not only by the superior officers of the dockyards, but by the country, as a gross political job, and it had forced into retirement the ablest shipbuilder in the world, Mr. Laing. Last Session, the Secretary for India (Sir Charles Wood) gave him a flat contradiction in what he said as to the tyranny of the Whig Admiralty, which prevented a free exercise of the franchise by the dockyard *employés*. The right hon. Gentleman said:—

> "When I was First Lord, the patronage of the dockyards was given over to the Superintendents, and since then the Board of Admiralty have had nothing to do with promotion or employment in the yards. But the best proof of the independence of those employed in the dockyards is the hon. Gentleman's presence here; for if at the last election for Devonport, the dockyard votes had not been given at all, the Lord of the Admiralty would have been returned, whereas, in fact, with a majority elsewhere in his favour, the Lord of the Admiralty had a majority of 150 dockyard votes against him." [3 *Hansard*, clxix. 784.]

Now the reason that he (Mr. Ferrand) had obtained a large majority of the dockyard voters was that Admiral Symonds, then Admiral Superintendent at Devonport, had the manliness and the honesty to give notice that every voter would be allowed to vote according to his conscience, and, that if any man, whatever his position, dared to interfere, he should instantly be dismissed. It was an extraordinary sight to witness the joy which this notice created among the workmen, who were then, for the first time, able to exercise the franchise freely. The hon. Member for Glasgow (Mr. Dalglish), who was a member of the Dockyard Commission, had made this statement,

> "He believed the present Controller was doing everything in his power to establish a proper

system, and he arrived at that conclusion from the result of the Devonport election. If the Admiralty were not doing their duty there, the Government candidate would not have been defeated."—[3 *Hansard*, clxix. 837.]

Now, his constituents were as honest, as high minded, and as high principled as the electors of Glasgow, and they felt that a grievous wrong had been done them by the hon. Member, whom he had challenged to give his authority for such a statement. That hon. Gentleman had said the Admiralty were doing their duty on that occasion. He would show the House how the Admiralty had performed their duty in the borough of Devonport. In 1859 he contested the borough, and while doing so grievous complaints were made to him, that, for many months previous, many vacancies had occurred in the dockyard which were not filled up. After the election he came to London and called at the Admiralty. There he saw a gentleman connected with the Board, and told him of the complaints he had heard at Devonport, asking him whether they were true. The reply he got was, that it was the duty of the Admiral Superintendent at Devonport to send the monthly lists of vacancies up to the Controller of the Navy — that those lists were received by the Controller, and, if the vacancies had not been filled up, would be found in his office. The gentleman who made this statement went to the Controller's office, and on returning said, "You are wrong; there are no vacancies at all at Devonport." When he afterwards mentioned at Devonport the answer he had thus received, he was told, "Oh! you must not believe the Whig Board of Admiralty; they are bamboozling you." He went back to the Admiralty on the subject, and saw the same officer, who again brought him the same reply from the Controller's office. That occurred three or four times; but a few days before Lord Derby's Government left office, and his right hon. Friend (Sir John Pakington) retired from his position of First Lord, he returned once more to the Admiralty, when he saw the same officer, and told him that there were lists of vacancies in the Controller's Office, and that unless he were furnished with them, he would get a friend in the House of Commons to put a question to the Secretary of the Board on the matter, when the truth must come out, for he did not care to be trifled with any more. The gentleman then went away, and returned in half an hour, bringing a list of between thirty and forty vacancies which had been kept back for a long time, thereby depriving many honest men of their fair right to promotion. He saw the Secretary, who introduced him to the right hon. Gentleman (Sir John Pakington), and the latter assured him that if he continued at the Admiralty the matter would be investigated. But the change of Ministry took place, and in a few days after the Duke of Somerset became First Lord every one of these vacancies was filled up, so as to strengthen the Whig Government. Then, moreover, it was said to the people of Devonport, "What an idle fellow Sir John Pakington is! He would not take the trouble to fill up these offices. The Whigs have given you these appointments, —they are the men who ought to be at the Admiralty." He was put in nomination for Devonport by his friends, against Sir Michael Seymour, and was nearly returned without canvassing an elector. On the following week he contested the borough against Sir Arthur Buller. The Whig Admiralty became alarmed, and put on the screw. A gallant friend of his, who held an office of small emolument under the Horse Guards, received a letter signed "Sidney Herbert" (who was then at the War Office), telling him that any interference with the election would be visited with dismissal. It was then hoped that there would be fair play. Great excitement prevailed on account of Sir Baldwin Walker, the Controller of the Navy, having kept back the thirty or forty appointments, and it was generally thought that he would be returned. But to the amazement of everybody, his friend, who had received the order above stated from the War Office, received a communication from an official in the Admiralty, which was placarded in the borough, informing the electors that the reason why the vacancies had not been filled up was, that the Chancellor of the Exchequer had made a mistake in his calculations—that there had been no money for the salaries of the officers in question, but that now there was some and the offices had been all filled up. That letter was signed by Sir Baldwin Walker, then Controller of the Navy. What could the Admiralty say for such conduct as that? Well, he and his friends thought that a very bad proceeding, but very like the Whigs. The nomination came, and when he went to the Town Hall whom should he see acting openly as fugleman to the Whigs but a naval officer in full uniform, who held high office in the dockyard? The hon. Member for Halifax (Mr. Stansfeld), who had become very Whiggish, seemed to think this a laughing matter, but he would find out his mistake. The Whig fugleman in full uniform interrupted the proceedings in a most offensive manner, and the remark was made at the time that he would not be long in getting his reward from the Duke of Somerset. Well, the Commission to which he had referred was appointed, when, sure enough, the Whig fugleman, for his services at the Devonport election, figured as one of its members. ["Name, name?"] He was described as "Our trusty and well-beloved Robert Spencer Robinson, Esq., Captain, R.N." The Commissioners sat in London on the 25th of October, 1860, and Sir Baldwin Walker, then Controller of the Navy, was examined before them. When asked by the Chairman (Mr. Peel), "What have you to do with promotion in the yards?" Sir Baldwin answered,

> "The papers on the subject of promotions are forwarded to the Admiralty, and are generally marked to me for report; sometimes they come to me direct. I submit my report to the Board, and that is generally dealt with by the Secretary to the Admiralty: he has these promotions."

The Member for Evesham (Sir Henry Willoughby), the only Conservative on the Commission who did his duty honestly and faithfully, then took Sir Baldwin Walker in hand and sifted him thoroughly. He asked, "I understand you to say that your recommendations are not conclusive?" The answer was "No, I merely submit the whole case to the Admiralty for their decision." To the next question, "I understand you to say that you submitted the cases of promotion to the Secretary?" The reply was, "It goes to the Admiralty; it is in the Secretary's department; he has the promotions." This was Sir Baldwin Walker's evidence; and it directly contradicted the assertions of the Secretary of State for India—namely, that the Board and the Secretary had nothing to do with the promotions; that they rested with the superintendents. Sir Baldwin was also asked whether the results of an examination for a vacant inspectorship would be conclusive in the candidate's favour, and he said, "Not always. Where there is a very good practical man who has passed a good practical examination, and who has long servitude, that is considered also." "By whom?" Answer: "When recommended by the local officers, I concur in their opinion. I submit his promotion to the Admiralty." Sir Baldwin added that the examination papers were submitted to him sometimes in the first instance, and at other times they went through the Admiralty; that "since the Duke of Somerset has revised my department, they generally came direct to me." In some cases they went to the Secretary. Then Sir Henry Willoughby stepped in again. He asked, was influence ever brought to bear in these appointments? The answer was—

> "I have no reason to believe that any undue influence is used in any way. I believe that officers are conscientious in the recommendations they make. The Secretary has power to act upon these unless they have reference to the promotion of high officers in the dockyards. That rests with the First Lord."

Sir Henry Willoughby then squeezed out the Duke of Somerset, showing how the First Lord of the Admiralty interfered with the appointment of the working men in the borough of Devonport.

> "I may mention," the reply went on, "that the Duke of Somerset has very carefully looked into most of the promotions since he has been in office. He has been excessively particular on the subject with the view of making the best selection"—politically speaking, he (Mr. Ferrand) might add, "I have generally gone into the question with the Duke about promotion. That originated the difference with the Secretary. The Duke since that period has gone into the question himself."

An ex-First Lord and former Secretary of the Admiralty (Sir. Charles Wood) said the patronage was given over to the superintendents, and since then the Board of Admiralty had nothing to do with promotion in the yards. He hoped the House would allow him to read two or three more questions and answers, that the country might know what was being done by the Duke of Somerset and his colleagues at the Admiralty—

> "Has it come to your knowledge that vacancies have been kept open for periods of time?—There have been two or three instances in which the vacancies have been kept open longer than usual; the appointments have been kept back by the Admiralty on one or two occasions. In consequence of the great pressure in my department, when so many vessels were being built by contract, and one thing and another,"—[There were no vessels building by contract, but it was the "one thing and another,"]—"there was a little delay on my part in transmitting some of the names of the candidates for promotion, in consequence of not having time to go fully into the question.
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> "Have any such cases of delay occurred in the dockyard at Devonport?—There was a statement made that the appointments had been kept back

from political motives, but that was not the case. It was principally in consequence of the great pressure, but there were other causes. The returns which were sent up were not considered satisfactory. I had to send the papers down on two or three occasions for more full explanation."

Not one paper ever was sent down.

> "What number of appointments were delayed?—I cannot at this moment call the number to my mind, but my impression is that there may have been four or five vacancies.
>
> "In that one dockyard?—I think so, but I may mention that that is not at all detrimental to the public service. The moment there is a vacancy the officers of the yard have the power of putting a person to act. It is submitted to the Admiralty, it goes through my department, and I recommend it for approval until the permanent appointment is made.
>
> "Chairman.—When you say that there is no loss to the public, what knowledge have you of the person selected being the most eligible in the yard?—You depend chiefly upon the officers in the yard."

Then came the hon. Member for Glasgow, the Royal Commissioner (Mr. Dalglish), and he put this question, "Is it a temporary appointment?" That is all. That was the only question the Member for Glasgow put, in order to sift this corrupt proceeding on the part of the Admiralty. He should have been delighted had that hon. Gentleman put half-a-dozen searching questions. Why he was silent he could not understand, unless it was that he was sorry such an exposure should be made of the Whig party. Sir Henry Willoughby put this other question—

> "There is no regulation in your office that the Controller should report vacancies within a given period?—No, it does not state any particular period. I look to the requirements of the service. For instance, with reference to Devonport, it has just occurred to me that there was another reason why some of the appointments were kept back. We had a greater number of men in the yards than it was intended to continue after the financial year; we had many hired men, and as there were already a number of acting officers who would have been reduced when the men were discharged, I did not think it desirable that an additional number of acting officers should be appointed for so short a time."

He should like now to read a few questions and answers from the evidence of Rear-Admiral Sir Thomas Pasley, Admiral Superintendent of the dockyard, when these disgraceful proceedings occurred. He used the word "disgraceful" advisedly. Sir Thomas Pasley was seriously compromised by the statement of Sir Baldwin Walker; he appeared before the Commission and was examined. In answer to question 2,522, Sir Thomas Pasley stated—

> "What are your powers as Admiral Superintendent as to promotions in this dockyard?—I have no powers at all as to promotion; the promotions are regulated by examination, and reference to the Admiralty; the results of the examination are sent up to the Admiralty.
>
> "Are you bound to report vacancies within a given time?—The vacancies are all reported at the end of every month.
>
> "Are the vacancies filled up by the Board of Admiralty on the recommendation of any authorities in this yard?—No, the vacancies are filled up by the result of the examinations; the candidates for promotion are examined professionally by the professional officers; and they are examined in mathematics and arithmetic, and so on, by the schoolmaster of the yard; this is all sent up in a tabular form with the number of marks gained by each candidate, and it is referred to the Admiralty for their decision, and they almost invariably, unless the Superintendent reports that there is a very good reason indeed to the contrary (which he sometimes, but very seldom does), select the man first on the list for the promotion; it arises from the number of marks.
>
> "Since you have been Admiral Superintendent, have vacancies in the higher offices ever been allowed to remain unfilled for a length of time?—No.
>
> "Or in any offices?—Two years ago there was a long interval, when some of the subordinate officers in the ropery were not appointed; but I do not know what it arose from—there was some delay.
>
> "In whose department would the recommendation of the officers in the ropery be?—It comes through me from the master-attendant; it is under the master-attendant. But the delay was at head-quarters, it was not here, it was somewhere between Somerset House and the Admiralty.
>
> "Did that delay extend over a year?—No, it began in one year and ended in the other, but there was not a year's interval."

In the statements of Sir Thomas Pasley and Sir Baldwin Walker, he found the following striking contradictions. In answer to Sir Henry Willoughby: "Has it come to your knowledge that vacancies have been kept open for periods of time?" Sir Baldwin Walker replied—

> "In consequence of the great pressure in my department, when so many vessels were being built by contract, and one thing and another, there was some little delay on my part in transmitting some of the names."

Sir Thomas Pasley said, "The delay began in one year and ended in another, but there was not a year's interval." The vacancies were denied at the office, and there was no shipbuilding by contract in 1858 and 1859. Again, Sir Baldwin Walker said—

> "The Returns which were sent up were not considered satisfactory. I had to send the papers down on two or three occasions for more full explanations."

And Sir Thomas Pasley said—

> "The delay was at head-quarters; it was not here. It was somewhere between Somerset House and the Admiralty (the Controller's office.)"

Sir Baldwin Walker said—

> "The vacancies not being filled up is not detrimental to the public service. The moment there is a vacancy the officers of the yard have the power of putting a person to act."

Sir Thomas Pasley said, "There was a long interval, when some of the subordinate offices in the ropery were not filled up." Now, he believed the fact was, that the thirty or forty permanent appointments that were kept open for ten months, were filled up in ten days after the Duke of Somerset became the First Lord of the Admiralty. Sir Baldwin Walker again said—

> "It has just occurred to me, that there was another reason why some of the appointments were kept back; we had a greater number of hired men in the yards than it was intended to continue after the financial year."

Yet, in his election letter he stated—

> "The vacancies have been filled up. The reason why they were not filled up at once was, the Chancellor of the Exchequer had made a mistake in his calculations of the sum of money required."

With regard to the promotions, Sir Baldwin Walker said—

> "My impression is, that the Secretary has the power to act upon them. He has the power of deciding the question."

But the gallant Admiral afterwards contradicts himself when he says—

> "With the view of making the best selection, I have generally gone into the question with the Duke with reference to promotions. This originated in a difference between the Secretary and myself. The Duke, from that period, has gone into the question himself."

But the right hon. Gentleman (Sir Charles Wood) states—

> "When I was First Lord, the patronage of the Admiralty was given over to the superintendents, and since then the Board have had nothing to do with promotion in the employment of the yards."

On the evidence taken before the Commissioners becoming known to the Duke of Somerset what steps had he taken to explain or deny them? None. And when the Royal Commissioners desired Sir Baldwin Walker to again attend before them and give further evidence, what did the Duke of Somerset do. Why, he shipped him off to the Pacific in one of the swiftest steamers the Admiralty had at their command, and when that House decided the gallant Admiral should again attend before the Royal Commissioners, the Duke of Somerset treated that demand with contempt, and sent out an old tub of a steamer after him, knowing very well that she could not overtake him. In fact, it was more like Sir Baldwin Flyer in the fast steamer and Sir Baldwin Walker in the second one. Who was the controller of the navy? The Whig fugleman. That was his reward for disgracing the uniform he wore. He (Mr. Ferrand) was sorry to say, that there were complaints now in the dockyards of the same kind of tyranny being practised; and he believed that Admiral Robinson and the Duke of Somerset were as carefully working the electors of the present day as the Duke of Somerset and Sir Baldwin Walker were shown to have been in that evidence that was extracted by the ability of his hon. Friend. No wonder there was dissatisfaction in Her Majesty's dockyards. No wonder the Admiralty were obliged to send agents through the country to get men to work in the dockyards. This was not the case in former days. It was Whig tyranny that had brought this state of things to pass. And who were the men who were acting in this manner? Why, those who had hunted the noble-hearted Augustus Stafford to death. If the right hon. Baronet the ex-Lord of the Admiralty had been present in the House, he (Mr. Ferrand) would have asked him to reconcile the statement he had made last year with the evidence that had been produced that night. There was no denying it—the Duke of Somerset could not deny it. He had now had the satisfaction of showing the Duke and Sir Baldwin Walker up in that House for the manner in which they had acted in the borough of Devonport. They had given orders, he knew, that he was not to be returned for that borough again. He himself believed that he would sit for the borough of Devonport long after the Duke of Somerset had ceased to be the First Lord of the Admiralty; and if he should be driven from office to-morrow, by a vote of censure from that House, for conduct such as he (Mr. Ferrand) had brought under the notice of Parliament that evening, he believed that there was not a man in the British naval service, or throughout the country, who would not rejoice at his being driven from office.

MR. DALGLISH said, that if all the charges brought by the hon. Member against the Admiralty were true, the electors of Devonport were the most patriotic constituency in the kingdom, and that they deserved an eternal monument for sending the hon. Member to Parliament. However, the matters to which the hon. Member had recurred had been already so thoroughly sifted, that it was quite unnecessary for him to say one word in reply.

Main Question put, and *agreed to.*

SUPPLY.—COMMITTEE.

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Wednesday.*

RAILWAYS CONSTRUCTION FACILITIES BILL.

Bill to facilitate, in certain cases, the obtaining of powers for the Construction of Railways, *presented* and read 1°. [Bill 29.]

RAILWAY COMPANIES' POWERS BILL.

Bill to facilitate, in certain cases, the obtaining of further Powers by Railway Companies, *presented* and read 1°. [Bill 30.]

SUMMARY PROCEDURE (SCOTLAND) BILL.

Bill to make provision for uniformity of Process in Summary Criminal Prosecutions, and prosecutions for penalties in the Inferior Courts in Scotland, *ordered* to be brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.

COURT OF JUSTICIARY (SCOTLAND) BILL.

Bill to provide for the alteration of the Circuits of the Court of Justiciary in Scotland, and for holding additional Circuit Courts, *ordered* to be brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.

House adjourned at half after Ten o'clock.

HOUSE OF LORDS,

Tuesday, February 23, 1864.

PENAL SERVITUDE.—MOTION FOR RETURNS.

The Marquess of SALISBURY rose pursuant to notice, and *moved,*

> "That an humble Address be presented to Her Majesty for Returns of the Number of Convicts sentenced to Penal Servitude confined in Gaols other than Government Prisons in the years 1862 and 1863; and to ask the Government whether any and what Steps have been taken to carry out the Recommendations of the Commission on Penal Servitude."

The noble Marquess, in moving for the Returns, addressed their Lordships at some length, but his observations were inaudible.

Earl GRANVILLE was understood to assent to the Motion, stating at the same time that many of the recommendations of the Commissioners had been embodied in a Bill now before the other House, and said that the best time for discussing the subject would be when that measure should be before their Lordships.

The Earl of CARNARVON: My Lords, I agree with the noble Earl that it will be more desirable to defer a general discussion of this subject until the Bill, introduced by the Home Secretary in the other House, shall have come up to your Lordships; but, at the same time, I think there is one part of the subject, raised by the Motion of the noble Marquess, which it is important should be considered at once. It is a principle which I consider to underlie the whole legislation on the subject. That question is this:—How far can we or ought we to assimilate the condition of a prisoner condemned to penal servitude to that of an ordinary prisoner sentenced to an imprisonment in an ordinary gaol for a limited period of say twelve or eighteen months. I cannot understand how, consistently either with reason or justice, there should be no distinction in the treatment of a penal servitude man and that of an ordinary prisoner, undergoing perhaps his first course of punishment. It seems to me a most monstrous anomaly in the administration of justice in England that, practically, a heavier offence is visited with the lighter punishment, and a lighter offence with the heavier punishment. Every gentleman who has had experience at quarter sessions knows that eighteen months of ordinary imprisonment, in one of the county gaols, is a much more severe punishment than three years of penal servitude; and that five years of penal servitude is not as severe a punishment as two years' imprisonment awarded to an ordinary prisoner. I shall not weary the House with quotations; but from the very important evidence given on this point by the Governors of Wakefield and Leicester Gaols, I shall ask the permission of your Lordships to read two extracts. Both these gentlemen have had much experience in the management of criminals, and the gaols of which they are the Governors may be said to stand at the extreme point of our system. The Governor of Wakefield Gaol says—

> "The prisoners on the West Riding side prefer the Government side to the Wakefield side. I have heard it frequently said by prisoners, 'Do let us be transferred over to the other side, and then we shall get more to eat.'"—2,934.

The Governor of Leicester Gaol gives this evidence on the same point—

"The Inspector reports that you have had a great deal of diarrhœa in your prison. Do you attribute this to any particular cause?—Yes, it was confined chiefly to Government convicts, and I attributed it and suggested it to the medical inspector that it arose from the richness of their food. This was also the opinion of the surgeon, and in consequence of this the ox-head cheeks were withheld from the soup and the men's health improved. We had no diarrhœa to speak of amongst the prisoners working at the crank.

"Do you believe that the prisoners entertain a preference for Government convict establishments over your gaol?—Yes.

"Then they would prefer a sentence of three years of penal servitude to eighteen months with hard labour?—I should say decidedly that a sentence of three years' penal servitude is less in amount than a sentence of eighteen months with hard labour."—1859-61.

From this your Lordships will see how utterly subversive of all discipline it is to endeavour to combine together these two classes of prisoners. My Lords, I am no enemy whatever to the remission of sentences. On the contrary, I think that with certain precautions—certain safeguards to society—remissions of sentences may take place. The principle is an excellent one, as holding out a hope to the criminal that he may, in some degree, retrieve his former position by good conduct and a course of voluntary and actual industry. I do not go the length to which the right hon. Gentleman the Home Secretary appears to go, and hold that remissions of sentence are absolutely necessary in order that the criminal may have such hope. I think a system could be adopted by which hope would be held out to him without any promise that his imprisonment was to be abridged; but, at the same time, I think remissions are valuable if properly arranged. But then there arises a strong objection to these remissions in the minds of many persons, on the ground that they interfere with the certainty that should also accompany a judicial sentence. But it is to be remembered that absolute certainty is just as objectionable. What we ought to strive for is a system by which you could reconcile a reasonable amount of certainty with a hope for the prisoner that he might diminish his punishment by his own good conduct. You may apply remission not so much in respect of the duration of the punishment as in its character—by introducing a modification of the hard labour and mitigations generally, especially mitigations in respect to classification. In the case of penal servitude, you may adopt a system of gradual amelioration. You may adopt a classification which will admit of amelioration by subdivision, and putting the convicts on public works to work in smaller gangs. In this way encouragement may be held out. On the other hand, you may give the convict a licence; but if that system should be generally acted upon, it should be accompanied by a strict supervision of the police. I hold this to be absolutely necessary. Again, I think that licences ought not to be granted so systematically—so much as a matter of course. They ought to be granted more on good conduct. What I mean by good conduct is this—not mere passive obedience to the prison rules, but actual work, actual industry. I cannot but regret that the right hon. Gentleman the Home Secretary should have thought it desirable, when introducing his new scheme of penal servitude, while renewing the convict's ticket-of-leave, to ignore the principle of a strict police supervision. He prefers the supervision of such societies as the Discharged Prisoners' Aid Society, who are an irresponsible body. Now, I attach much importance to the operations of these associations — I think they have accomplished much good work—but I cannot think it right of the Government to abrogate its own functions (for it comes to that), and leave them to be performed by irresponsible gentlemen, who may be here to-day and away to-morrow. There is another point to which I would direct the attention of the House—namely, that up to a very recent date, the conditions of the ticket-of-leave were not made known—a fact which of itself would have been sufficient to cause the breakdown of the system. The number of licences seem to have increased lately, while the revocations of them seem to have diminished — in fact, the ticket holder has been most directly encouraged to believe that those conditions never would be enforced. The right hon. Gentleman the Home Secretary says, that though police supervision has been more or less successful in Ireland, it would be impossible in this country. I say, if it would be, abolish ticket-of-leave. Do not attempt to have two things which are perfectly incompatible. If you have tickets-of-leave, police supervision is absolutely necessary—that or some other safeguard is essential for the protection of society; and if you cannot have the latter, you ought to give up the former, and fall back upon some other system. But I think the right hon. Gentleman, when he made that statement, was in possession of important papers, which controvert his view of the subject. That correspondence contains a very important Report from General Cartwright, Inspector General of Constabulary, who, looking forward to supervision, expressed himself as perfectly ready to make all the necessary organization for working it successfully within the space of one month; and yet the Home Secretary said it was absolutely impossible to do such a thing. Another correspondence, and a very important one, was issued at the same time. It took place between the Home Secretary and the Directors of the Convict Prisons, and three papers contained in it deserve special attention. There is a memorandum bearing date September 15, and inclosed by Colonel Henderson, which lays down distinctly and clearly all the leading principles necessary to a strict system of police supervision. I will not weary your Lordships by reading it in detail, but Colonel Henderson proposes, among other things, that all prisoners who take up their residence in London, or in other large towns, should be under the inspection of the police, should report themselves to the police at certain periods, should also report any change in their place of abode, and, if they remove to another town, should receive a parchment notification of this removal, addressed to the police of the place to which they go, and to whom they must also report themselves. A distinct outline is thus traced, by which strict police supervision may be enforced. That paper is dated the 15th of September. On the 3rd of October it is acknowledged from the Home Office, and cold water is thrown upon the system. And accordingly, on the 15th of January last, the Board of Directors turn suddenly round and express their entire disapproval of police supervision, and their doubt whether its adoption is at all desirable or possible. Now, this sort of see-saw backwards and forwards, to which the Home Office, during the last few years, has accustomed us, is very unfortunate. So I say once more, "Either adopt one system or the other: either adopt the system of tickets-of-leave, coupled with its only safeguard—namely, strict police supervision, or, on the other hand, throw that system overboard and adopt another." The right hon. Gentleman is trying to please everybody, and is giving satisfaction to nobody. He takes a scrap of one system and a scrap of another, until the whole system adopted becomes incomprehensible and unworkable. Now, I do not at all disagree with many of the changes proposed in the Bill which, as I understand, has been brought into the other House. I think that some of those changes are useful, but that which I regard as the most useful and most necessary has no place there. In the same way the Report of the Royal Commission is said to be adopted, and yet that which is vitally necessary to make it acceptable is cut out. I do hope the Government will reconsider this question of police supervision. I am convinced it is far better to sacrifice tickets-of-leave altogether if you are not prepared to indorse this principle; and if you are not, I desire now at the earliest moment to record my protest against any system like the present which does not include that principle as a necessary accompaniment.

Lord WODEHOUSE: Probably we may have to discuss this subject when the measure which has been referred to comes before the House, and I shall not, therefore, now trouble your Lordships at any length; but I wish to express my agreement with my noble Friend who has just sat down as to the probability of failure if you disconnect the system of tickets-of-leave from a system of strict police supervision. I draw, however, a different conclusion from that arrived at by my noble Friend. Upon this subject I am afraid I hold very heterodox opinions, because I do not believe in the system of the remission of the punishment of criminals. In the main I agree with the able argument of Lord Chief Justice Cockburn, contained in the statement which he handed in to the Commissioners, not being able to sign the Report. I think we have fallen into the habit of confounding the treatment of prisoners in England with that of prisoners sent abroad, and have been led to adopt the ticket-of-leave system from the mistaken belief that a practice which has been found useful in the colonies would be also useful at home. In a penal settlement such a system was intelligible enough. Thus, in Western Australia the convicts who hold these tickets are required to be in their own houses by ten o'clock at night, and not to go out of a particular district. But no such system would be possible in England. Now, I believe that the difficulty of managing prisoners without holding before them the prospect of a remission of their sentences has been greatly exaggerated. It is said that, unless you could hold out such a prospect, you would have continual outbreaks in the convict prisons. No doubt sudden and extensive changes of system might lead to outbreaks; but when the system which I should desire to see adopted was fully established, I do not think you would find much difficulty in managing the convicts under it. No doubt it is advisable to offer to the convicts inducements to good behaviour by indulgences and by relaxations of discipline, on the same principle as was recommended in the report of the Committee on County Gaols; but I do not believe that it is advisable to offer such inducements by shortening sentences. By doing so you introduce great uncertainty into punishments; because, however we may understand the theory of the existing system—and a very complicated system it is—depend upon it that, in practice, the criminal population believe that the sentence inflicted by the Judge is not meant to be, and never will be, entirely carried out. The evils which thus ensue are great and obvious; for it should never be forgotten, in devising any system of punishment, that you have to deter as well as to amend—to legislate for those who hitherto have not, as well as for those who have made themselves amenable to punishment. No doubt it is advisable to combine reformation with punishment; but I maintain that reformation should be subordinate to punishment, and that the great object of penal discipline is to deter persons from embarking in a career of crime. Nor can I think, notwithstanding the authority of Commissions and Reports, that reformation is so probable or so frequent as some persons say it is. Of course there are criminals of different classes, and upon persons who have been led into crime by unbridled passions or by some passing temptation the reformatory process may be effectual. But it should be remembered that a considerable number of the prisoners with whom we have to deal belong to the professional class of criminals. It is very important to find a good system of punishment applicable to them. But their reformation is far more difficult, and I doubt extremely whether the remission of sentence conduces to any such result. What does society gain by these remissions? His term of punishment being very much shortened, you send forth an offender who probably within a short period returns to his old haunts of vice, and as there is no police supervision, society has no safeguard against his return to crime, and there is no check by which you can see whether the punishment inflicted has had a salutary effect. I think it would be far better not to reduce the period of sentence, and, having inflicted the whole of the punishment ordered by the Judge, to send the offender out a free man at the expiration of his full sentence. The certainty of punishment which would thus be gained would be an important advantage, and you would not then be deluded by the theories of persons, no doubt of great humanity, who hope, under the present system, to reform a class very few of whom, I fear, can ever be reformed.

EARL GREY: My Lords, I think I can suggest to the noble Marquess (the Marquess of Salisbury) an Amendment to his Motion, that will more perfectly obtain his object. That object is, I understand, to show the large number of convicts sentenced to penal servitude who are detained for considerable periods in the county gaols before removal. I quite agree that that is a point of the utmost importance, the practice being most injurious to the discipline in the county prisons, and also imposing an undue charge upon the counties. I think it is desirable we should have the information he desires, and I think he will obtain all he wants if he will add to his Motion the words "and the average time they (the convicts) have been kept in county gaols." I would now wish to say a few words upon what has fallen from my noble Friend who spoke last (Lord Wodehouse). He has entered into the large questions, whether it is proper there should be remissions of sentences for good conduct, and whether tickets-of-leave should be granted. I quite agree that it is difficult to enforce tickets-of-leave in this country, because you cannot give to the convict liberated upon a ticket-of-leave in this country the same facilities for obtaining employment as he would enjoy in the colonies; nor can you place him under the same severe restraint as he would there be subject to, without interfering with his chances of obtaining honest employment. The question whether convicts should be discharged in this country upon tickets-of-leave or unconditionally, is therefore one of extreme difficulty; but if they are to have tickets-of-leave, I am of opinion that there ought to be a system of superintendence. I wish, however, to point out that the question, whether convicts are to be discharged unconditionally, or with tickets-of-leave, is quite distinct from that as to whether they are to be allowed to earn a remission of part of their punishment by industry and good conduct; or whether, according to the suggestion of my noble Friend, we should adopt the system of imprisonment for fixed terms, without holding out any hopes of remission on account of conduct. Let me remind my noble Friend that that would be to introduce a system which has been unanimously condemned by every officer who has had charge of convicts, whether at home or abroad, for many years, and opposed to what has been the practice from 1788 to the present time. Since that time, when transportation to America was abolished, and that to Botany Bay established, it has been the uniform practice of this country, in some mode or other, to remit a portion of the punishment of convicts for good conduct. When I first had the honour to enter the public service, now more than thirty years, the system was to keep in the hulks at home all convicts under sentence of transportation for terms not exceeding seven years, and if they behaved well they were discharged at the end of four years. The only objection to the system was, that there was no regular methodical plan of recording the conduct of convicts, which led to great abuses, the convicts soonest discharged being generally the best hypocrites rather than the most improved. My noble Friend (Lord Wodehouse) says it is desirable that convicts should be sentenced to a term of punishment that should be certain. It seems to me that all the real advantages of certainty in this respect are attained, if convicts are only allowed to earn a partial remission of punishment under certain and well defined rules; and, on the other, it is surely extremely desirable, when a convict is sent for several years to a prison, that he should be made to do some hard work. It is desirable on two grounds—first, that he may be taught to acquire habits of industry; and next, that if he can be employed in any kind of profitable labour, he may contribute to some extent to lessen the charge which his offence has imposed upon the community. The uniform experience of all acquainted with this subject is, that if you confine a convict and endeavour to extort from him hard labour by mere coercion, you will brutalize him to the lowest degree, and must gradually come to a repressive system of cruelty horrible to contemplate, and after all you will fail to extract that useful exertion which you require. That has been the universal experience in this and all other countries where such punishments have been tried. Ask any French writer what was the state of the convicts who were condemned to the gallies, and since the gallies were abolished of the convicts at the Bagnes. As long as you trust only to the "cat" to get hard labour from convicts, you only demoralize and degrade them to the lowest level, and finally you will fail in extorting what you desire to obtain. My noble Friend says you might give the convicts certain indulgences to induce them to work. What indulgences can you give them? They must be physical indulgences, such as beer or tobacco. But that, unless confined within very narrow limits, would be inconsistent with the first principles of convict discipline. The essence of punishment is that the convict should be deprived of those indulgences which are within the reach of the honest labourer, and such indulgences granted in return for labour would be inconsistent with convict discipline. But by holding out the hope that, by good conduct, a convict may obtain a remission of sentence, you teach him not to look only to the consequences of the day, but you induce him to look forward. The great fault of the class from which most of our convicts spring, is the recklessness of all but immediate consequences. It is desirable to teach a convict to look before him, to practise self-denial and self-restraint. Such is the principle on which all convict discipline ought to be founded. I say the principle of remission of sentence for good conduct is admirably adapted to obtain those ends. It is a sound principle; but, of course, to be usefully employed, must be properly enforced. I do not deny there have been faults in past modes of applying discipline. And here, in passing, I cannot avoid paying a tribute to the services of the late Sir Joshua Jebb, than whom I do not believe there was ever a more conscientious public servant; but still I say even the ablest man cannot be expected at once to discover the best mode of accomplishing an object which it is so difficult of attainment. I admit that the system hitherto adopted has been complicated, and has tended to make the discharge of convicts from prison at certain periods too much the rule rather than the exception. That was, I believe, the view that was taken by the Royal Commissioners, who recommended a system of compelling convicts to earn by hard work any remission of sentence they might afterwards obtain. We laid down the principle that a convict was entitled to no reward for simply abstaining from all conduct which would expose him to punishment; but we agreed that a man should be rewarded for any extra exertions he may make beyond the amount of labour the failure to perform which would expose him to punishment. No doubt, to carry out an effective system of convict reformation, the great need is good officers; and I do hope the Government will not be guilty of the false and petty economy of endeavouring to keep down the expenses of convict establishments, or of unduly burdening those who have the supervision of them. I hope the Government will not seek to adopt the plan of placing too much work upon them, or giving them too little pay. If you have not efficient officers the whole thing will break down. The best system will be valueless unless you employ persons competent to work it out. I will not now express any opinion upon the plan before the other House, but I must express the great alarm with which I have learnt that that plan will do nothing to correct two great faults of the existing system. Those faults are—first, that a convict is allowed to return to his haunts too soon—before the reformatory discipline has taken its effect upon him—and that he is allowed to do so in the manner most calculated to insure his speedy return to criminal pursuits. The great evil arises from the convicts being discharged in this country at too early a period. This creates, among persons who do not know how much they suffer from the strictness of the discipline, a belief that, after all, the punishment inflicted by the law is not so formidable as they had been taught to consider it. It also encourages crime. It was clearly proved to us that the great instructors in crime, seducing youth and teaching them the arts of felony, are the discharged convicts; and whatever pains you take to reform and improve these men in prison —whatever care you take in watching over them when they are discharged, I believe that, practically, a very large portion of them indeed will again become criminals. And for this very reason—they have no other resource. They are placed under temptation which it is hardly in human nature to resist. We send the criminal to prison, where he is kept from tobacco and other kinds of stimulants; and when the man gets out of prison again, the thirst for these again takes possession of him. But, even if he has the strength of mind to resist these inducements, all the ordinary channels of profitable employment are closed against him. It is quite true that some masters, out of charitable motives, will employ them; but even in Ireland where the difficulty is less than in this country, Mr. Organ, a gentleman who has been of extreme use in this matter, told us that if the fellow-labourers of a discharged convict came to find out the fact, there was an end of his employment—he must leave; the master has no choice, or the men would strike in a body. After all, I cannot say that this is a feeling to the discredit of the labourer. I am not quite sure that it is desirable to get rid of it, because the existence of a general persuasion among the labouring classes of the country, that a man who forfeits his character and gets into prison will for the rest of his life have a mark fixed on him is a great security for integrity. But still I say the evil exists. The man finds he cannot get employment by which he can honestly maintain himself, and therefore stealing is again his only resource. This often happens:—A man goes into a part of the country where he is not known under another name. He gets into honest employment, and for a while behaves well; but, unfortunately, some one who was formerly associated with him in crime or in prison casually recognizes him. He says "I know who you are, I will tell your employer; you must pay me something." So the thing goes on. The secret is used as a means of extorting money from these unfortunate people, and even compelling them to join in schemes for robbing their employers. If we knew the secret history of the manner in which convicts discharged are again brought into crime, I am quite certain that in many cases we should feel much more pity than indignation against the unfortunate men who are thus dragged back into crime—into that fatal career which they are anxious to abandon. I do most deeply deplore that we should have a system ot penal discipline adopted which will do nothing whatever for rendering more effective the punishment which criminals have hitherto endured, and will leave this country under the most formidable evils of the gradual accumulation of greater numbers of discharged convicts, who are reduced, from the circumstances in which they are placed, to live by depredation.

Motion *agreed to.*

House adjourned at a quarter before
Seven o'clock, to Thursday next,
half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 23, 1864.

MINUTES.]—Public Bills—*First Reading*—Court of Justiciary (Scotland)* [Bill 31]; Summary Procedure (Scotland)* [Bill 32]; County Franchise [Bill 33]; Copyright* [Bill 34].

VACCINATION OF SHEEP.

QUESTION.

Sir JERVOISE JERVOISE said, he would beg to ask the Secretary of State for the Home Department, Whether the experiments in Vaccinating Sheep are yet concluded; and, if so, when the results will be laid before Parliament?

Mr. LOWE: Sir, the experiments in vaccinating sheep were concluded last Michaelmas, and I am sorry to say the result is exceedingly unsatisfactory. I am also sorry to say that the Report is not yet ready to be laid before Parliament. The framing of that Report is in the hands of a gentleman who is not officially connected with the Government, and who, I think, has taken a great deal more time than was necessary in its preparation. I am assured, however, that it will be ready by Easter. As I am not able to produce the Report, I may state its general effect. The experiments that have been made are of two kinds. One has consisted in vaccinating sheep with lymph taken from the human subject, and this has succeeded in some measure. The sheep took the disease, though in an irregular and abnormal form, but when we came to test the value of that vaccination, we found that the sheep took the virus of small pox either by inoculation or in the natural manner from other sheep, so that vaccination appears to be futile. The next plan was to inoculate cows with matter taken from sheep, in order, if possible, to produce a vaccine disease in cows which would stand in the same relation to sheep as cow pox does to the human subject. But we entirely failed in producing that disease, and therefore the result of the experiments was altogether unsatisfactory.

UNITED STATES— XPORTATION OF TOBACCO FROM THE SOUTHERN STATES.—QUESTION.

Sir ROBERT CLIFTON said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether it is true that Her Majesty's Government have, on the application of the French Government, consented that the French Government shall pass a quantity of tobacco through the blockade with the approval of the Washington Cabinet; and whether Her Majesty's Government have thought it their duty to make any similar application for the passing of cotton for the benefit of the distressed operatives of Lancashire?

Mr. LAYARD, in reply, stated, that at the time when the civil war broke out in the United States, a large amount of tobacco, belonging to the Governments of France and Austria, happened to be lying at Richmond. The French Government requested the Government of the United States to allow them to bring the tobacco through the blockade. The Government of the United States replied that they were willing to consent, on condition that no objection was raised by the British Government. The French Government, through their Ambassador here, made an application to this Government on the subject, and Her Majesty's Government gave their consent to allow this tobacco to be sent out of the country on the condition that it was not made a precedent. On this understanding, the United States Government agreed to allow the French and Austrian Governments to take out this tobacco which belonged to them, and which formed part of their revenue. It was found out afterwards that part of it had been purchased after hostilities began. Upon this, a further application was made to the British Government, and they agreed not to make any difficulty with regard to an exportation on the condition that it should not be held as a precedent. But with regard to the latter part of the question of the hon. Baronet, it was hardly necessary to say that the case of the removal of cotton came under a different category, inasmuch as cotton formed no part of the public revenue, but was the property of private individuals.

COURT OF CHANCERY (IRELAND).

QUESTION.

Colonel DICKSON said, he wished to ask Mr. Attorney General for Ireland, Whether it is the intention of the Government to bring in a Bill this Session to substitute stamps for money payments in the Court of Chancery in Ireland, as recommended in the Report of the Law and Equity Commissioners?

MR. O'HAGAN said, in reply, that a Bill to carry out the general recommendations of the English and Irish Law Commission was under the consideration of the Government, and the future payment of fees by stamps, and not in money, would probably be provided for in that measure.

COUNTY FRANCHISE BILL.

LEAVE. FIRST READING.

MR. LOCKE-KING said, he rose to move for leave to introduce a Bill to extend the franchise in counties in England and Wales. He felt that he need offer no apology whatever to the House for bringing that important question under its consideration. He had done so on many former occasions, because a necessity was felt in the country for an extension of the franchise, and the necessity had been repeatedly admitted. The class, moreover, who would be enfranchised by the Bill had been acknowledged to be a class who might safely be intrusted with the franchise. While he felt, however, that no apology was due to the House for introducing the Bill, something more than an apology was due to the country, because a similar measure had not been already adopted either by itself or as part of a much larger and more comprehensive scheme. He boldly asserted that the circumstances of the country demanded an extension of the franchise, and especially that it was demanded by the state of the county constituencies. Moreover, justice, which never was and never ought to be lost sight of by the House, demanded it not less; and the longer the measure was delayed the greater would be the injustice done. In former times great and grave objections used to be raised to the principle of the Bill, while small and frivolous excuses were not wanting. With the first of these he had nothing whatever to do, for the objections had been answered in the most satisfactory way possible, in nearly every instance, by the objectors themselves. The castles they themselves built up they had demolished by their own hands. It could not be said, in one respect at least, that the Bill was introduced inopportunely. It was not too early in the life of the present Parliament for such a measure; for though it might be said, if the Bill were passed, that Parliament ought to be dissolved, in order to give the new body of electors an opportunity of exercising their newly-acquired rights, the present Parliament was in its old age and not likely to live very long, so that, without a dissolution for the purpose, the new body of electors would be enabled to exercise their rights next year. Again, it could not be objected that a comprehensive measure of reform was looming in the distance. That, indeed, was one of the old stock-in-trade excuses which was so stale and used up, that he felt assured it could not be set up on the present occasion. He would remind the House that the fact of opposing the Bill on former occasions had been attended with considerable difficulty, and occasionally with no little danger to the Government, who had felt it its duty to oppose it; it had caused he knew not how many promises of reform to be made, and many a paragraph to be inserted in Her Majesty's Speech; and that it had also been the means of causing no less than four Reform Bills to be laid on the table in the course of eight years. First, we had the Reform Bill of 1852, which might be called a pure Whig Reform Bill; then we had the Bill brought in under the auspices of the followers of the late Sir Robert Peel. After that we had, he might say, the greatest wonder of them all, a Reform Bill produced from a quarter whence he never expected such a thing to emanate—the Bill brought in during the year 1859 by the Earl of Derby's Government. Later on, in the year 1860, we had the Bill brought in by the noble Lord the present head of Her Majesty's Government. In all these Bills the principle was admitted that the franchise in counties ought to be extended to occupiers, and three out of the four measures fixed the franchise at the very sum of £10 that he contended for. The mere fact of all these Bills having been introduced by different parties, proved at once that there was, in their judgment, really a necessity for an extension of the franchise to the exact amount he now asked. Now, all these comprehensive measures having failed of their effect, he asked was it not desirable to give reform in detail—in fragments, if he might so say—and to pass some small and moderate measure like that measure he desired to lay before the House? He really hoped, though his hope might be over-confident, that that would be the last time he should have occasion to bring the measure forward, and that Parliament, in its wisdom, would grapple with the question without suffering a just measure to be longer delayed. Since he entertained that hope, it might not be uninteresting to the House to take a rapid glance at the great progress the question had made during the last fourteen years. At first his Motion for leave to introduce the Bill used to be met by a bold and distinct negative. In later times it was met by that faltering and indirect negative of moving of the Previous Question, which was perhaps an indirect compliment. The hon. Member for Truro (Mr. Augustus Smith) had felt it his duty, on the present occasion, to give notice that he would move the Previous Question. But he was gratified to find that the hon. Member had paused and withdrawn his Motion—or, at all events, postponed it till the second reading of the Bill. He (Mr. Locke-King) trusted that, as the hon. Gentleman had taken time to consider the matter—for the second reading would not be put down till after Easter—he would in the mean time have some little communication with his constituents, and not distinguish himself by being almost the only Liberal who was opposed to the Bill, but rather leave some hon. Gentleman on the other side of the House to move the negative. Returning to the history of the Bill, the House would recollect that, just previous to the year 1850, there was a good deal of discontent in the country. The Chartist agitation had existed, and there was a loud cry for Parliamentary reform. Mr. Hume used to bring in Motions for vaster measures of reform than were heard of at present, and they were constantly rejected. He felt that that was not a practical method of proceeding, and that the better way to promote reform was to bring in a measure of a just and moderate character. In 1850 accordingly he moved, late in the Session, for leave to bring in a Bill to extend the franchise to £10 occupiers in counties. The Dog Days were approaching, and it was impossible then to pass the Bill, but the ardour of the Reform party was not altogether dried up, and 100 Members voted for it. Early in 1851 he came to the charge again, and brought in the Bill soon in February. His opponents, who in the previous Session numbered 159, dwindled down to 52, and the Bill was brought in. A Ministerial crisis then supervened, and the Government resigned. The old family Whig coach was upset. It was, however, patched up again. The Government came back to office with a distinct promise to bring in a Reform Bill in the following Session. In 1852 accordingly the Whig Reform Bill was brought in, but owing to disputes between two noble Lords—one being Prime Minister and

the other a Secretary of State—the Bill was abandoned and the Government went out. The Earl of Derby then formed his first short-lived Administration. There was no Reform Bill before the House. They (the Liberals) were sitting on the other side of the House—and a very delightful side it was for true Reformers to sit on—and he (Mr. Locke-King) being in earnest brought in the Bill again. While sitting on the Ministerial side he could only get 100 supporters; but on the other side the number rose to 149. The House was soon after dissolved. They met again in November, and the right hon. Gentleman the leader of the Opposition (Mr. Disraeli), then Chancellor of the Exchequer, proposed a measure which was to inflict a direct tax on the £10 householders without giving them any representation. The result was that, after an animated debate, the House divided, after a spirited speech from the present Chancellor of the Exchequer, about four o'clock in the morning, and the Government was ejected and a new Government came in under the Earl of Aberdeen. In 1853 he (Mr. Locke-King) brought in the Bill again and elicited another promise, that early in the next Session a Reform Bill should be introduced. Early in 1854, accordingly, a Reform Bill was brought in by the Aberdeen Government, and it contained the principle for which he contended. In consequence of foreign complications and the war with Russia, however, nothing was done with the Bill, and no more was heard of an extension of the franchise till 1857. In that year he again moved for leave to bring in the Bill. There was this resemblance between the state of things then existing and the present—that the Parliament was of the same age, and that the same noble Lord was at the head of the Government. He was likewise carrying on the Government in 1857 with the fag end of a Parliament elected under the Earl of Derby, as he was now doing in 1864. There was, however, one happy distinction between the state of affairs in 1857 and that of 1864. The noble Lord (Viscount Palmerston) in the former year opposed even the introduction of the Bill, while he would now support it, as he had in later years given it his adhesion. The supporters of the Bill had risen from 149 in 1852, to 170 in 1857. The Bill made a great and decided progress in 1857, for two great men gave their allegiance to the principle of the Bill, as they had done before when it was not contained in a comprehensive measure. The late Sir James Graham said that he believed the extension of the franchise proposed by the Bill was most desirable, and perfectly safe. Such was the decided opinion of a most cautious Member of that House, and, speaking of it as a measure of "bit by bit" Reform, he declared that in his opinion it might be safely introduced, and that he would cordially support it. He would not trouble the House by quoting any long extracts from the speeches of the great leader of Reform, but in supporting the Bill in 1857 the noble Lord (Lord John Russell) said that the present time was far from unpropitious for such a measure; that perhaps in that year or the next, but certainly before two years, they should have a general election; and it would greatly improve the composition of that House if two or three hundred thousand men were added to the basis on which the representation stood. After that he (Mr. Locke-King) was surprised that the noble Viscount at the head of the Government should have gone so far as to oppose the introduction of the Bill. Parliament was again dissolved—this time on the Chinese question. The cry of the Chinese war, however, died away, and there was soon the old cry for Reform, and the loudest cry was for the very £10 franchise in counties which he had advocated. In 1858 the noble Lord (Viscount Palmerston) felt constrained to take up some position in regard to Reform, and there was a paragraph in the Queen's Speech recommending Reform to the consideration of Parliament; but the Government having been thrown out, and the Earl of Derby, who succeeded to power, being unable to bring in a measure, he (Mr. Locke-King), sitting on the other side of the House, asked leave to introduce the Bill, and it was read a second time, no less than 228 members having voted for it. Owing, however, to the pressure of business, he was unable to proceed any further with the Bill. In 1859, the Earl of Derby's Government felt constrained to admit that Reform was a necessity, and they brought in a Bill, in which the £10 county qualification was accepted. That was the only Bill which was really fought in earnest; it went to a second reading, but the Bill was rejected, and Parliament was dissolved. No sooner did the new Parliament meet than a Resolution of want of confidence was carried, and the noble Lord (Viscount Palmerston) came back to the benches from which he had been ejected. In 1860, the noble Viscount brought in a Reform Bill, in which the principle of the extension of the franchise was again recognized, and no satisfactory explanation was ever given why that Bill was withdrawn. In 1861, he (Mr. Locke-King) again brought forward his Bill, but it was thrown out. He had shown the House that the question had made almost wonderful progress since its first introduction. A number of great men, who at first opposed it, had come round and admitted that the principle was sound. Sir James Graham supported it strongly; Lord Russell, who opposed it originally, supported it; and the noble Viscount at the head of the Government, though the tardiest in giving in his adhesion, voted for the second reading in 1860 and also in 1861. He believed he might appeal to the right hon. Gentleman opposite, the leader of the Opposition. He believed he was one of the most far-seeing and sagacious men in that House, and the right hon. Gentleman had already admitted the principle of the Bill by placing it in his own Bill. The right hon. Gentleman might say it was accompanied with other measures to counterbalance it; but the fact stared him in the face, that he could not attempt to pass a comprehensive measure of Reform without admitting that this class of voters ought to be enfranchised. The right hon. Gentleman would do well to let this measure pass, for sooner or later he must be aware it would pass, and it would come with a much better grace now than if it had the appearance of being extorted from him. He felt bound to speak with gratitude of the right hon. Gentleman, for once when he had this Bill before the House, and when some important business was coming on, so that he felt it would be impossible the Bill could stand in its way, the right hon. Gentleman took care that a day as good as that which was taken from him should be given for its discussion. When he brought in the Property Qualification Bill in 1857, the noble Viscount was at the head of the Government. The Bill was actually read a second time, and the noble Viscount not being present, some person went to fetch him, for there was a mutiny in the camp. The noble Lord quelled the mutiny, and his Bill was thrown out. The next time the Bill was introduced the noble Lord was sitting on the other side of the House, and the right hon. Gentleman (Mr. Disraeli) passed the Bill. He was sure the right hon. Gentleman did not regret the course which he took on that occasion, and whenever he should assent to the present Bill, he was sure the right hon. Gentleman would feel great satisfaction in helping to pass it. The circumstances of the country were highly favourable to an extension of the franchise. The population had increased, but what was more looked to than any other thing—the wealth of the country—had increased in a most wonderful manner. Twenty years ago the income tax was raised on a comparatively small sum—£192,000,000; now, it was raised on £276,000,000. The imports and exports at the passing of the Reform Bill were £97,000,000; now, they amounted to £393,000,000. Trade was good, and there had been discovered such a variety of new openings in the country for industry, that it was impossible to enumerate them. Complaints were made formerly, that the wealth of the country was in comparatively a small number of hands; but no doubt the wealth of the country was now most completely disseminated and scattered into a vast variety of hands. The great mass of the people were better fed, clothed, and housed; their houses were better furnished, and there was considerably less pauperism. It was owing to the great progress which free trade had made, and the Government would becomingly acknowledge the success of the free trade policy by granting the boon of an extended franchise. He might mention, as another argument in favour of his Bill, that education had also made rapid strides in the country. Some of the older Members of that House would remember, that when they, in former times, went among the humbler classes of society, they were surprised to find men who could read or write. Now the reverse was the case. If these observations applied to the country generally, how much more did they apply to the state of the county constituencies in England; and when every one must admit that the wealth and population had increased, ought there not also have been a proportionate increase of the electors? But the number of county electors had actually decreased. In 1843 there were 522,000 county electors, and the county population was then 9,700,000. According to the last Return there were 519,000 county electors, while the population of the counties had increased to 11,500,000. They ought to have 622,000 county electors, whereas they had only 519,000, according to the Return of 1862. Was that a proper state of things? Ought the county constituencies to be left in that condition? If not, how was the number of electors to be increased? Some might say by increasing the number of freeholders; but that in practice could not be done, or would not produce any perceptible effect, as land was sold in large blocks, and was difficult to be obtained. There were such things as close counties as well as close parishes, and it would be found that the number of freeholders could not be increased. The only really practical way in which it could be done was by lowering the franchise of the occupiers in the counties. Another argument had come to their assistance in favour of the extension of the county franchise. It might be said that the days of the political agitators were gone by. Thanks to the right hon. Gentleman the President of the Board of Trade, they had at last a cheap press. The debates in that House given at full length, and admirable arguments on almost every question, were sent through the whole length and breadth of the land. Any man for the price of a penny could buy a newspaper without going as formerly, if he took an interest in politics, to a public-house once a week to read the newspapers. It had been said by some persons that the landed interest was distinct from the other great national interests, and that it ought therefore to have distinct representatives for the counties and for the agricultural boroughs. But if that were the case, the representatives of the landed interest would consist of one-fourth of the Members of the House, while the whole agricultural population did not consist of anything like the fourth part of the population of the counties. But although the great bulk of the county population did not consist of persons who were directly interested in land or agriculture, yet all were interested in land. Some had a special interest in land and agriculture; he himself had, but he would not admit that his interest in land should predominate over the other great interests of the country. He was perfectly convinced that the landed interest was combined with all the other great interests of the country, and that agriculture was nothing but one branch of the manufactures of the country. If the House would consent to pass this measure it would be highly satisfactory to the great body of the people, and he begged to move for leave to bring it in. The hon. Member concluded by moving for leave to bring in a Bill "to extend the Franchise in Counties in England and Wales."

MR. HASTINGS RUSSELL seconded the Motion.

Moved, "That leave be given to bring in a Bill."

SIR GEORGE GREY said, that on the part of her Majesty's Government, he should offer no obstacle to the introduction of the Bill, on the understanding that the general disposition of the House was that it should be brought in, and that all debate upon it should take place on the second reading.

Motion *agreed to.*

Bill to extend the Franchise in Counties in England and Wales, *ordered* to be brought in by Mr. LOCKE KING and Mr. HASTINGS RUSSELL.

Bill *presented,* and read 1°. [Bill 33.]

PUBLIC EXECUTIONS.

ADDRESS FOR PAPERS MOVED.

MR. HIBBERT said, he rose to call attention to the demoralizing effect of public executions, and to move for papers on the subject. He felt that he need not apologize for calling the attention of the House to the subject after what he might designate as the disgusting display which took place in London the other morning, and which he thought a disgrace to the civilization of the times in which they lived. He would not attempt to present to the House any overdrawn picture of the evils attendant on public executions, and he could not pass over without notice the very great alteration which had been made in the penal system during the last half century. They all knew the effect which civilization had had on the penal code of this country, and were aware that while the former had advanced, so had the latter receded in its sanguinary character and savageness. The gibbet, the burnings, and the tortures of the old code had been progressively softened by the milder spirit of modern legislation. Referring to the early part of the present century, it would be found what the labours of a Romilly and a Macintosh had done for their penal code. Although they had got rid of many of the barbarisms of former years, when women in cases of witchcraft were sentenced to be burnt, when persons refusing to answer were tortured, and when sentences for treason were of the same harsh character, there yet existed a relic of the same system, which he thought they ought also to endeavour to get rid of—these public executions. Some years ago, an hon. Member introduced a Bill on that subject, but had to withdraw it. Subsequently the Bishop of Oxford obtained a Committee of Inquiry into the question in the other House. The late Lord Campbell, Lord Brougham, and several other Law Lords served on that Committee, and the subject was investigated with great care and patience. The preponderating evidence thus elicited was adverse to public executions. It was shown that they exercised a bad effect on the spectators, deadening their sensibilities, and generally demoralizing them, without deterring from crime; that people went to see them just as they would go to a theatre, a bullfight, or any other show; and that they led to scenes of shocking riot and debauchery. As to the criminal classes, it was found that they were always largely represented on such occasions, and that the spectacle had very far from a wholesome influence upon them. In the victims themselves, the publicity of the execution tended to produce bravado and hardness of heart. He would illustrate his argument by a reference to the incidents which had accompanied some public executions within the last few years. The execution of Taylor and Watson took place at Kirkdale, near Liverpool, in 1862, and excited a great deal of interest in that quarter. Excursion trains carried large numbers of people to the spot, and a great many country folk walked considerable distances in order to be present, and to gratify their depraved appetite. Hundreds, unable to obtain lodgings, spent the night in the open air. There were women and children, as well as men, among the crowd; the most obscene and horrible language was heard on all sides, and the hours previous to the execution were passed in dissipation and debauchery. In fact, the scene was of as loose a character as that at a fair or racecourse. At Chester, a woman was hung in 1863, and the prison chaplain did not omit to draw the attention of the magistrates to the injurious tendency of such exhibitions. The reverend gentleman pointed out the manner in which the spectators were demoralized, and suggested that executions should take place within the walls of a prison, in the presence of certain suitable delegates from the outside world. He also mentioned that the woman under sentence of death was more engrossed by the thought of how she would be able to bear herself in the face of the crowd than by the necessity of preparing for a future state. To come to London, the execution of Wright, at Horsemonger Lane Gaol, would be fresh in the recollection of hon. Members. Perhaps the very strong feeling which prevailed in regard to that case might account for the extraordinary scene which occurred. The people in the crowd were described as being frantic with excitement. Loud cries of "shame" were raised when Wright appeared, to which the unhappy victim responded by bowing, and while bending forward the drop fell and he ceased to exist. The roar of disgust and indignation, which at that moment broke from the mob, was described as quite appalling. He must say one word as to the execution which took place yesterday in the City of London. He really could not understand why the City should be made the scene of such a demoralizing spectacle. It was very objectionable that the capital punishment of men convicted of such crimes as piracy should be carried out under the eyes of a civil population. In a morning paper—the *Standard*—he found the following description:—

> "And how did the crowd behave? Not worse than usual—perhaps a little better than on some occasions. But there were oaths, and curses, and flash songs, and ribaldry—all that can make a solemn scene a shocking one. Women were there, a trifle more outrageous than the men. The pickpocket was there, plying his nefarious calling until he too had his eyes riveted to the fatal scaffold whither his own steps were tending. Every shade of vagabondage was there, and one might hope that for the nonce all the thieves in London were within hail of Newgate. Vice and Crime were holding their Saturnalia, while Folly looked on from dear-bought seats in adjacent windows."

He had received a letter from a gentleman who had served as Under Sheriff both in Kent and Sussex, and whose official duties had given him more experience on the subject of executions than almost anyone, except Calcraft himself. This correspondent expressed a strong conviction that the effect of public executions was most injurious, and that they were the greatest nuisance to the town where they took place, because they drew together crowds of the worst class in the community. Thus, from Under Sheriffs, chaplains, governors of gaols, and other experienced persons, they had a decided condemnation of these spectacles. After the execution of the Mannings, Mr. Charles Dickens wrote a letter to *The Times*, which had a very powerful influence on the public at the time. Mr. Dickens had recently written another letter on the subject, in which, he said, he believed a public execution to be a savage horror, far behind the times, affording an indecent and fearful gratification to the worst of people; but Mr. Dickens also added, that "he was sorry to have to confess he now felt that capital punishment was necessary in extreme cases." The intention of these executions was not so much to punish or to protect themselves from the offenders, as to be a deterring example to others. They all saw the kind of people who usually attended these public executions. They were, generally speaking, not the intelligent or reflecting, but, on the contrary, of the lowest and most criminal classes. They were of the classes most hardened, and who could witness executions without being in the least moved or deterred by them. He might be asked what would be his proposal in place of carrying out executions in public; and for this he would refer to the Report of the Lords' Committee. The evidence of certain persons connected with the Prussian and American Embassy was taken, and it was strongly in favour of carrying out executions within the gaol. They said that no evils had followed the adoption of that plan, and that the public feeling was so much in its favour that a return to the old mode of punishment would be condemned by all classes. He had recently received a letter from Mr. Adams, the American Minister in this country, in which he stated, that the people of America were quite satisfied with the system as carried out in that manner, and that there was every probability of its becoming universal in that country. In Australia, also, executions were in private, in the presence of certain officials. He trusted he had shown to the House that public executions were demoralizing in their effects, and that there was another method which would have a more deterring influence, while they would do away with the demoralizing influence. He hoped the Government would take up this question, for he believed the people were weary of these public executions. He would ask hon. Members to take up the question, and to do everything they could do to put a stop to these brutal scenes. He did so in the interest of justice, humanity, and of moral progress; and he trusted the law would be altered, so that the execution of a murderer would no longer be made a barbarous spectacle for a civilized people. He wished, in conclusion, to ask the right hon. Gentleman the Secretary for the Home Department, whether it was the intention of the Government to propose any alteration of the law, and to move for a Copy of all the

Memorials which had been addressed to the right hon. Gentleman on the subject.

MR. HADFIELD said, he rose to second the Motion. He wished to ask the right hon. Gentleman the Secretary for the Home Department, whether, in his judgment, the crime of murder had increased or diminished in late years? He remembered, when a young man, and a stranger in the gallery, hearing in that House an excellent speech from Sir Samuel Romilly —whose honoured name would figure in the history of the country for ages to come —on the mitigation of capital punishment for the crime of forgery and some other offences. The Law Officers of that day said that any mitigation of the law would upset their glorious constitution. But what had been the result? Had the crime of forgery, which in those times was never pardoned, but which marked the circuits of the Judges with blood, and caused the Bank of England to be stigmatized as "The Bloody Bank"—had the crime of forgery increased since capital punishment was abolished for that crime? No one could deny it had decreased. It was a sad reflection on the age in which they lived, that there was no sight in the country so interesting to the masses of the people as the sight of the execution of a fellow-man. Hundreds and thousands assembled to indulge in the luxury of seeing a man hung; and had that, he asked, a deterrent effect, or did it diminish crime? No sight drew the people together in such crowds except one, and that was a prize fight. He believed if there were a prize fight within 200 yards of the House, hon. Members would count out directly. He hoped, that when the intended Motion of his hon. Friend the Member for Dumfries came on, they would have a full discussion of the question, whether the punishment of death deterred persons from committing crime. He could not agree with his hon. Friend the Member for Oldham (Mr. Hibbert) in desiring that executions should take place in private. The country would not endure such a course, and it would often lead to the suspicion, whether the execution did not take place by proxy. He should like to hear from the right hon. Baronet the Home Secretary, what was his opinion as to the effect produced by capital punishment upon the minds of criminals?

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of any Memorials, Correspondence, or other Papers relating to Public Executions."—(*Mr. Hibbert.*)

SIR GEORGE GREY: I hope that the House will not on this occasion be led by the speech of my hon. Friend the Member for Sheffield (Mr. Hadfield) into a discussion of the general question of capital punishment. I thought that my hon. Friend had risen to second the Motion, but towards the close of his speech he expressed his entire dissent from it. It is a long time since this question was considered by the House. A good many years ago it was brought forward as a Bill by an hon. Gentleman now no longer a Member of the House, who proposed a Bill the object of which was to substitute private for public executions. He failed to convince the House that it would be safe or convenient to adopt that proposal. In fact, after he had fully stated his scheme, such objections were urged against it from all sides that he was induced to withdraw it, and was not encouraged to reintroduce the measure in any other form. The proposal comes before the House now under different circumstances. Executions are more rare than they were at that time; but at this moment circumstances have occurred which have naturally directed a great deal of public attention to the subject. It was only yesterday that a great act of justice was publicly witnessed in this metropolis by the execution of five criminals, with the general, if not the universal, concurrence of all who are acquainted with the horrible details of the crime which they had committed. That spectacle was witnessed yesterday, and no doubt the hon. Member is right in saying that it attracted an immense crowd. I cannot allude to that case without saying, that however great may be our horror of the crime, there are circumstances in connection with it which give rise to satisfactory reflections. The execution of an equal number of persons for a common crime, and that a crime of peculiar atrocity, has not been witnessed in England for nearly half a century, and now that it has occurred it has not been in consequence of the commission of a crime by Englishmen, or within the limits of the United Kingdom, but as the punishment of a crime committed by foreign seamen in an English ship, and therefore amenable to English jurisdiction; a crime committed under circumstances which, no doubt, led its perpetrators to rely with confidence upon escaping without detection and punishment. Happily they were disappointed, their crime being followed by speedy discovery, and by the apprehension of the perpetrators in a foreign land, and their delivery over to the British authorities. It is also a satisfaction to know that they were not dealt with on the spot by an act of summary or violent justice, though justice it might have been, but that they were sent home to this country with legal evidence sufficient to establish their guilt, were tried before one of the ordinary tribunals of the country, a Judge of the land and a jury, and their conviction, and the sentence which followed was generally approved. That sentence was carried into execution upon all but two, the evidence with regard to whom, although it left no doubt of their participation to a great extent in the common guilt, failed to show that they actually participated in the murders which were committed, and led the learned Judge to suggest that a distinction might be made in their favour. I think it is satisfactory to know that justice has followed a crime committed under such circumstances, and that it has been so executed as to carry the conviction of its being really justice to the minds of all impartial persons.

My hon. Friend says that the crowds collected on such occasions show that public executions are demoralizing, and fail of the effect which they are intended to produce. I think that the House would act imprudently if it were hastily to come to such a conclusion. It is said that an enormous number of persons are collected on such occasions, and I believe that arises in a great measure from their infrequency. When executions were of constant occurrence the crowds were not nearly so great as they are now; but now that executions are comparatively rare, very large crowds are collected. Moreover, as executions always take place in the metropolis or some other large town, the crowds are composed, in a great degree, of the lowest orders of society, including many of the criminal class, to the presence of whom my hon. Friend has alluded. But, whatever may be the occasion of the collection of a great crowd in London, or any of our large cities or towns, an observer is sure, especially if he goes there to collect evidence to that effect, to notice acts, gestures, and language which are in the highest degree revolting to persons of right principles. Crowds collected and detained for hours, even on so solemn an occasion as that of yesterday, and composed of persons of the lowest class, are often guilty of very improper conduct; but does that show that the effect of an execution is altogether lost? The hon. Gentleman referred to the Report of the Committee of the House of Lords which inquired into this subject. I have read the Report of that Committee, and also the evidence with care and attention, and, with all respect to the House of Lords, I submit that no Committee ever came to a positive decision on a subject on less clear and conclusive grounds. Only four witnesses were examined who did not speak simply from mere hearsay, or who had any experience of their own. One argument which was employed by the witnesses, and appears to have been relied upon by the Committee, was that cases had been clearly established in which persons who had witnessed executions had afterwards committed crimes which had brought them to the scaffold. It may be true, especially if you bear in mind that the criminal classes are generally present at executions in large numbers, that a single person, or more than one, may continue nevertheless to go on in a career of crime which may lead to such a result; but who can tell what is the effect produced upon the minds of the other thousands who are present? Who can tell in how many instances a deep and lasting impression may be made upon the minds even of some of the most criminal class, which may check them in a career of crime, and, inducing them to abstain from the course to which they are prompted by passion, vicious habits, and early association, tend to rescue them from the same ignominious end? Of this, I am thoroughly convinced, that privacy in such cases would be thoroughly abhorrent to the public feeling. The publicity is intended partly to remove any possible doubt or suspicion as to the sentence being actually and duly carried into effect; but it also has the object of deterring persons, by the awful spectacle which is presented, from subjecting themselves to a similar fate. Who can say how far that operates? Of this I am sure, that publicity is essential in the execution of criminals. That is, indeed, admitted even by those who advocate a change; because, if I look at the different expedients suggested by the witnesses who wish to get rid of public executions, I find that the object of them all is to obtain a certain degree of publicity. In their efforts to do so they would, I believe, fail to remedy the evils of which they complain, while they would produce others which do not now exist. Look at the suggestions which were made to the Lords' Committee. The first was that there should be a jury, empanelled from the ordinary jurors of the country, who should be compelled to attend and witness the execution. Do hon. Gentlemen think that it would be possible to enforce such a law as that? You may enforce the attendance of a jury to try a man, but do you not think that many jurors would submit to any penalty rather than be present as a select few to witness an execution? Another witness suggests that the twenty or thirty persons who arrive at the gates of the gaol first on the morning of the execution, should be admitted to witness it. That would be a certain means of attracting a multitude to the gaol and producing a most unseemly scramble to gain admission. It is proposed by some that the bodies should be publicly exposed, that all who choose may look at and identify them. Here, again, multitudes of persons would be attracted to witness the exhibition of the bodies, and the object of preventing accumulations of persons of the lowest class would be utterly defeated, while a revolting spectacle would be presented to the public. The same observations apply to the hoisting of a black flag or the tolling of a bell, which would have no meaning unless persons were collected to see or to hear them. The truth is, that in all these suggestions for the discontinuance of executions in public, the persons who make them evince their own distrust of their own theory, for they show they are convinced that publicity is necessary to satisfy the public that justice has been done. With regard to the precautions that can be and ought to be taken, I will only say that the arrangements made by the police authorities yesterday were as good as they could be, and the result was that much greater order and decorum prevailed than have been generally observable on these occasions. At a very early hour the crowd dispersed quietly, without, I trust, carrying away with them feelings of levity, but rather impressions that may be salutary. I believe that the proposal of my hon. Friend is contrary to the public feeling of this country, and however much are to be deprecated the painful scenes taking place at these public executions, they would probably not be abated by adopting his suggestion. I have no memorials such as are asked for, to produce; but I trust the House will not sanction, by any expression of its opinion, the proposal that public executions ought not to take place. Let me say before I conclude, that the only expression of opinion which I received as to the execution yesterday, was not that there should be greater privacy, but greater publicity. The Sheriffs of London suggested that the persons to be executed—seven, as it was then thought—should be distributed among different seaports, in order that the execution might be witnessed by a greater number of persons than could be drawn together in any one spot, and greater terror consequently be inspired in the class to which the criminals belonged. That will show the conviction entertained by those charged with the administration of the law as to the deterring effect of public executions. Revolting as the scenes connected with them may be, I still think that in such matters we must take society, in the largest sense of that term, as we find it, the good and evil being intermixed, and if incidental inconveniences arise we must put up with them in order to effect what we feel to be necessary for the public good. I have only to add that I am not prepared with any proposal for an alteration of the law.

Mr. Alderman SIDNEY said, he begged to inform the right hon. Gentleman that the inhabitants of that portion of the City where the execution took place were seriously annoyed at the time, and felt deeply humiliated at the remembrance of the spectacle. It was an act of intolerable injustice to the City of London, that men should be hanged within its limits for murders committed 3,000 miles away. There was, however, another subject to which he wished to call the attention of the right hon. Gentleman the Home Secretary. Criminals who were executed at Newgate were buried within the walls of that prison. There were frequently between 200 and 300 prisoners confined there, within the space of half an acre; and, in their midst, there would be now interred the bodies of five full grown men. No doubt the coffins of the men would be filled up with quicklime; but that would not obviate all danger to the other prisoners. He, therefore, wished to ask, whether the present law was inconsistent with the extramural burial of executed convicts? With reference to the spectacle of the previous day, he repeated that it had humiliated and disgusted the citizens of London. If such executions really had any deterring effect, then it surely would have been better to have sent the five *Flowery Land* pirates to the outports, so that that deterring influence might have been exercised on the persons who alone were in a position to commit such a crime as that of which these men had been found guilty.

Lord HENRY LENNOX said, he entirely agreed with the right hon. Gentleman the Home Secretary, that the question before the House did not involve the larger one of the abolition of capital punishment. But he thought that the scenes which had lately occurred in different parts of England—a country which prided itself particularly on the decency and order of its legal proceedings—had been such as, if not to call for the interference of the Home Secretary, which was perhaps not possible, at all events to require a strong expression of opinion on the part of the House and the country. He observed, that at certain periods in the history of the country there had been an extraordinary development of a morbid desire to witness criminals and the execution of convicts. He remembered well, when Sir James Graham was Home Secretary, there was a rage on the part of the public to be admitted to the gaol. Ladies of fashion and gentlemen of rank were admitted to the prison chapel to hear the condemned sermon, and to gaze on the convicts to within forty-eight hours of their execution. Owing to the interference of one whose honoured name he (Lord Henry Lennox) bore, one brutal item in the process of capital punishment was abolished. But there were new developments of the same thing. The House would bear in mind the occasion when four men were to be hanged at Liverpool, and when boards of railway directors—professing Christians, he supposed—advertised excursion trains or parties of pleasure from the manufacturing towns, in order that the scum and refuse of their population might be conveyed to witness the dying throes of those unhappy wretches. At Cambridge, in the case of the Whittlesea murderer, the same system was attempted; but the gaol authorities, hearing what was going forward, interposed between the mob and their amusement, and read them a salutary lesson by altering the usual hour of execution from twelve to nine o'clock, so that when the trains arrived at half past eleven o'clock, the unfortunate culprit had been two and a half hours dead. He was not ashamed to say that, actuated by motives which he could perfectly justify to himself, he had yesterday formed one of that vast crowd which assembled in front of Newgate. He went with the object of ascertaining whether the picturesque account often given in the newspapers of the devout and attentive demeanour of the crowd was true, or whether public executions as now carried on, were in fact one wild orgie of blasphemy, obscenity, and everything that was offensive. Entirely guided by such views he went. He would not attempt to describe to the House what had been so much better described by the journals of the day; but anything more disreputable, anything more utterly devoid of a perception of what they were witnessing he had never seen. From one end of the crowd to the other they were joking, laughing, pelting oranges, bonneting each other, throwing up the hats of those who had foremost places in the crowd, and hailing the practical joke with wild bursts of laughter. Nor did these manifestations of the temper of the crowd cease when the first of the unhappy men was carried out. The roar of the multitude and cries of "Hats off!" were such that he could have fancied himself on the race-course upon a Derby-day. Anything more utterly unsuccessful, as an attempt to convey a moral to the people, he had never seen. A passage in the *Daily News* fully bore out the views he had ventured to express. The writer said—

> "While these inconceivably disgraceful scenes were being enacted, the obscene and blasphemous cries of the crew engaged in mocking the preachers, the fierce cheers with which the constant fights were encouraged, the screams and whistling, the hideous groans and indecent songs, which, as an open expression of abandoned depravity and rampant sin, has probably not been exceeded since the world began, we failed to observe a single indication of reverence, of awe, or of pity.

The writer concluded by saying—

> "Here our record ends, and in closing it we feel deeply how utterly inadequate are words to express the appalling horrors of the night, or the sense of shame and misery its retrospect involves."

He (Lord Henry Lennox) was in a position to witness that sea of upturned faces, and his eye could not light upon one countenance, not to say solemn or sad, but which was not lighted up with mirth and satisfaction. He wished, before he sat down, to ask the right hon. Gentleman the Home

Secretary, if he could not exercise his influence, which he undoubtedly possessed over the authorities of Newgate, to fix some other day than Monday for these disgraceful exhibitions. We lived in a country where the sanctity of the Sabbath was respected. But what would hon. Members say when he told them, that on the Sunday from eleven a.m. the place in front of Newgate Gaol was surging to and fro with the scum of our population? In the hours during which the law allowed public-houses to be open, they were thronged and crowded with this population, eager, not only to quench their thirst, but to keep up their spirits, in order to enable them to sit the night through and behold the ghastly sight of the morning. Not only so, but there was a large body of individuals—he could scarcely call them men—who were greedily anxious to let seats in their windows for sums varying from a few shillings to five pounds, according as they were near enough to see the white caps of the criminals. And this went on on a Christian Sabbath in a Christian land, and in the metropolis of the Christian world. He could not but think, that if the right hon. Gentleman would communicate with the authorities of Newgate, they might be induced to consult the feelings of the respectable portion of the inhabitants of the neighbourhood. He had received that morning on this subject a letter from the respected minister of St. Sepulchre's Church, a gentleman who strongly objected to the abolition of capital punishments, and whose opinion on the matter, therefore, was not likely to be called into question. He said—

> "The normal character of the gatherings of ruffianism which an execution in the heart of London produces, not only on the morning of the event, but on the preceding Sunday, is most offensive and morally injurious, especially as regards the young; and I am sure I speak the sense of every respectable inhabitant of my parish when I say, that we should feel it to be the greatest conceivable relief if anything could be done to mitigate this evil."

One remark more, and he would have done his duty. He did not know whether it would succeed in London, where the traffic was so much greater, but in some parts of the country no announcement was made either of the day or hour of a public execution. At Warwick they never announced the day of execution except to the Home Secretary, and he was informed that at the last execution that took place, about a year or sixteen months ago, the crowd only numbered about 200 persons in the place of 40,000. So simple a plan might be tried elsewhere, and it would at least prevent Railway Boards from running excursion trains or pleasure trips to see a fellow creature strangled, and it would prevent those persons in the neighbourhood of the gaols from getting fifty or seventy-five guineas for windows, which enabled men to see the struggling features of the unfortunate criminals. He thought it high time the Home Secretary should interfere in this matter.

MR. BONHAM-CARTER said, he thought no slur ought to be thrown upon the feelings of the noble Lord the Member for Chichester for having given the House the results of what he had seen. It was not a question between privacy and publicity, but whether the community should call together a mob of the lowest character, acted on by a greedy and craving curiosity of the most savage nature, or should, on the other hand, make provision that the last solemn act of the law should be performed with solemnity, gravity, and decency. Hitherto a crowd had been assembled on these occasions only by verbal notice, or by tradition handed from one to the other. But they had now got rid of the necessity of a great aggregation of numbers. As the eloquent writer in the *Daily News* had observed, one could not but see that the wretched and blaspheming set of people brought together by these executions, not for the purpose of witnessing the sickening details of a last act of justice, but of seeking some new sensation, was not the sort of assembly on which such an exhibition could have any good effect. As it was, the crowd were indignant at being deprived of some of the horrors which they expected to see. There was a partial screen placed before these struggling bodies, and the crowd complained, as if some deficiency in the horrid ceremony had taken place. The great argument in favour of publicity was, that it produced certainty. The Home Secretary had said that he had received no expression of public opinion against executions taking place in public; but he (Mr. Bonham-Carter) was happy to say that there was hardly a single newspaper, of whatever opinion, or degree of publicity, which had not raised its voice against the horrors which were enacted, and had not published articles which carried conviction to the mind that, sooner or later, people would accede to the principle of private executions. In America and Australia, executions were performed before a much smaller number of persons, and the facts, by means of the press, pervaded the whole country. It was quite time to remove this blot on our civilization, for an execution was a deed to shudder at but not to see. He could only hope that the effect of the Motion would be to put an end to the system whereby people were "butchered to make a ruffian's holiday."

Lord GREY DE WILTON said, he agreed with the noble Lord (Lord Henry Lennox) in his remarks against the running of special railway trains for conveying people to see these executions. But he would call upon the House to adopt the maxim of *Audi alteram partem.* Actuated by the same motives that had led his noble Friend (Lord Henry Lennox), he had attended, a few years ago, the execution of a man who had suffered capital punishment for the murder of an unfortunate woman in the Haymarket. He felt bound to say, that, making allowance for the scenes that would occur and the expressions that would be used when large crowds were collected together, his impression was that, although the lesson might be lost on some few, yet that on the great majority it produced a very striking effect. This view was corroborated by the writer of a letter, signed "Vigil," in *The Times*, who had attended the execution of these pirates with the same view as his noble Friend. It appeared to this writer that the crowd was most orderly, that a great effect was produced on them, and that publicity was of paramount importance on these occasions.

Mr. HIBBERT said, he was satisfied with the discussion which had taken place, and he should, therefore, withdraw the Motion. One of his principal motives had been to induce the right hon. Gentleman to institute some inquiries as to the working of the system of private executions in other countries. He was convinced that a change of opinion in this country on the subject was now only a matter of time.

Motion, by leave, *withdrawn.*

VESSELS "EL TOUSSON" AND "EL MONASSIA."

PAPERS MOVED FOR.

Mr. SEYMOUR FITZGERALD: I rise to move an Address for

"Copies of all Correspondence between the various Departments of Her Majesty's Government, or Officers in Her Majesty's service, and Messrs. Laird Brothers, relating to the two Iron-clad Vessels, the *El Tousson* and *El Monassia*, building by that firm, and seized by order of Her Majesty's Government; and of any Papers or Correspondence that have passed between Her Majesty's Government and the Government of the United States, or their representative, Mr. Adams, relating to the said vessels."

Sir, I am not insensible of the delicacy of the task I have undertaken in calling the attention of the House to the circumstances which are the subject of the notice I have put upon the paper. A very few days ago, in addressing this House in reference to some events that have taken place, and the conduct pursued by the cruisers of the American Government towards our merchant ships, I expressed a desire that nothing should fall from me calculated in the slightest degree to aggravate the feeling of irritation which I felt unhappily existed between the two countries. Sir, in the same spirit I shall to-night call the attention of the House to that portion of those transactions which implicate and concern the conduct of Her Majesty's Government. I shall scrupulously avoid, except by an incidental allusion for the sake of illustrating the subject in hand, referring to the Correspondence which we all know was addressed to the Minister of the United States in this country, but which he, in the exercise of discretion and good sense, which, from his first arrival amongst us, has not ceased to characterize him, thought it best not to present. I will only, in passing, make this remark upon that Correspondence, that looking at the arrogant and almost insolent tone in which it was couched, if the writer had desired to find out some means of making the adoption of the policy he wished to enforce impossible, he would have exactly taken the course he did, and addressed a letter of that kind to his Minister at a Foreign Court—a letter which, in my opinion, did little credit to the diplomacy of the American Government, and was highly insulting to the dignity of this country. Sir, I am equally aware that the hon. and learned Gentleman whom I see opposite will meet the Motion which I am about to make by the objection, that it has reference to matters which are still the subject of judicial investigation. Well, Sir, I am fully aware that there is great force in that objection, but not in a case like the present; and I will tell the House why. I think that to discuss circumstances which are the subject of judicial investigation is a highly inconvenient and very often injurious proceeding; and if we were now to discuss the question, whether these vessels were rightly or wrongly seized under the Foreign Enlistment Act, then I think there would be considerable force in the objection which my learned Friend will urge against me. But, inasmuch as that is not my object, my desire being to obtain from the Government papers which may show whether before that seizure took place the conduct of Her Majesty's Government was consistent with law or not, then, I say, the objection of my hon. and learned Friend must necessarily fail, and I think the House will not refuse me the papers for which I ask.

Now, Sir, it will be necessary for me, in bringing the matter before the House, shortly to refer to the history of the events connected with these steam rams. It appears from the papers which I have here, and which are the papers laid by the American Government before both Houses of Congress, that Mr. Adams having learned that certain vessels of a formidable kind were being built at Birkenhead, at the yard of Messrs. Laird Brothers, addressed Earl Russell on the 11th of July, and accompanied his letter with depositions which, he thought, seemed to prove that those vessels were intended for the use of the Confederate States. And he not only gives, as far as he can, the fullest depositions within his reach at that time, but he urges the subject upon the notice of Earl Russell in terms the most forcible; for Mr. Adams described the building of these two rams as being regarded by the Government and people of the United States as tantamount to a participation in the war by the people of Great Britain to a degree which, if not prevented, could not fail to endanger the peace of the two countries; and he gives him, as far as he can, the fullest depositions by which Earl Russell is to determine whether it is in the power of the Government to interfere or not. This communication of Mr. Adams, dated the 11th July, is followed by others on the 16th and 25th of the same month, and the 14th of August; and upon each one of those occasions Mr. Adams presents to Earl Russell additional depositions, calculated in his opinion to prove to Earl Russell that it is the duty as well as the interest of the Government to stop at once the progress of these steam rams. Well, Sir, these depositions are at once forwarded by Earl Russell to the proper quarter—to the Law Officers of the Crown — and during the whole period from the 11th July down to the 1st September the circumstances brought under the notice of Earl Russell by Mr. Adams received the careful consideration of the Law Officers of the Crown and the careful attention of the responsible advisers of the Crown. Now, the next question is, what is the result of this investigation entered into by the Government, assisted by the Law Officers of the Crown? The result is communicated by Earl Russell to Mr. Adams in a despatch of some length, bearing date the 1st September. I will not trouble the House with the despatch in full, but there are portions which it will be necessary I should bring under notice. Earl Russell, after saying that he has submitted the papers during this long course of time to the Law Officers of the Crown, states—

> "In the first place, Her Majesty's Government are advised that the information contained in the depositions is in a great measure mere hearsay evidence, and generally that it is not such as would show the intent and purpose necessary to make the building and fitting out of these vessels illegal under the Foreign Enlistment Act."

The despatch, referring to the statement that the vessels were built for M. Bravay, of Paris, said that there was no legal evidence against M. Bravay's claim, or to show that the ships were built for an illegal purpose. The noble Lord then goes on to say that the responsible agent of the Customs at Liverpool affirms his belief that these vessels have not been built for the Confederates, and he concludes finally by saying this—

> "Under these circumstances, and having regard to the entire insufficiency of the depositions to prove any infraction of the law, Her Majesty's Government are advised that they cannot in any way interfere with these vessels."—*Correspondence*, No. 4 (1864), p. 12.

Now, it is perfectly clear that up to that time Earl Russell had had the fullest information given to him by Mr. Adams, and that the decision of the Government and Law Officers of the Crown was that they could not, with any respect for law, interfere with the rams building at Birkenhead. The House then will, I think, scarcely be prepared to hear that on the 4th of September, only three days afterwards, the Under Secretary for Foreign Affairs, at the direction of Earl Russell, wrote to the Lords Commissioners of the Treasury to request that these rams should be detained. What had happened in the mean time? Had any new information reached Earl Russell? Upon that, Sir, again referring to this book, which gives very full information to Congress as to all that passed—information which I could have wished to have seen as fully in the possession of the House of Commons—I find that the only thing that had happened in the mean time was that Mr. Adams had again addressed Earl Russell. Of that communication, on his part, Mr. Adams gave this description. In a despatch addressed to Mr. Seward, and dated the 3rd of September, 1863, Mr. Adams wrote—

> "As the case seemed doubtful, I concluded that the wisest course would be to put in one more remonstrance. Accordingly I have taken advantage of some depositions of no great additional weight, furnished to me by Mr. Dudley and others."

Upon the face of the matter it appears, then, that having the fullest information the Law Officers of the Crown decided that there was no ground to interfere; but afterwards, upon Mr. Adams presenting to Earl Russell depositions which he himself says were of no greater additional weight, Earl Russell immediately proposes to seize and detain these steam rams. The question immediately arises, was there anything besides this additional information presented to Earl Russell's mind which caused this change of view? I will point out presently what was the opinion of the American Government, and the statement of Mr. Adams himself upon the subject. But the first question I wish to ask is, how it came to pass that not having any evidence whatever, according to their own account, to seize these rams, Her Majesty's Government should have proceeded to detain them? I wish them to point out to me under what Act of Parliament, or by what authority it was done; and how it was that having waited during the whole month of September, without seizing the rams, or putting the facts in any shape for legal investigation, they proceeded to detain them, particularly in the form and with the language in which it was done? What is the first announcement made to Messrs. Laird as to the stopping of the rams? It is in a letter signed by G. A. Hamilton, dated September 9, 1863, and it announced to them that the vessels would not be permitted to leave the Mersey till satisfactory evidence could be given of their destination, or at least until the inquiries which were being prosecuted to obtain such evidence should have been brought to a conclusion. [The ATTORNEY GENERAL: Hear, hear!] The hon. and learned Gentleman will have an opportunity of giving an answer which will convey something more definite to the House than that cheer. Is it a principle of the English law, in the enforcement of a highly penal statute, not to proceed according to the requirements of the statute, not to put those implicated upon their trial, not to put the whole circumstances of the case under a course of legal investigation, but to say, "We, by the prerogative of the Crown and the act of the Executive, will take care that your vessels shall not leave the Mersey till you have proved to us that you are engaged in an innocent transaction, or until some roving Commissioners that we have about the world may have returned and reported that they have no evidence to give us on the subject?" One of the most remarkable things in reference to this matter is, that the Government have announced that they have no sound ground to go upon. What is the whole course of their proceedings with Mr. Laird from the first of September to the time when the vessels were eventually seized? Notwithstanding what has been said by the noble Earl in another place, that on the 3rd of September he directed those vessels to be seized, I believe there must be some error as to the date, for I cannot conceive it possible, if the noble Earl directed the Under Secretary of State to write to the Lords Commissioners to stop the rams on that day, that he would have the vessels stopped that day, he would have done so without giving the slightest notice to Messrs. Laird that this interference was impending, and he would have allowed a friendly note to be written to Messrs. Laird, asking them to furnish Her Majesty's Government with information, with as little delay as possible, on whose account these vessels were being built. For a letter was written to Messrs. Laird in these terms:—"Lord Russell is led to understand that, while you are not in a position to volunteer information, you would furnish it upon official application." [Mr. LAYARD: Hear, hear!] It was all very well for the hon. Gentleman to cheer, but the question is, was not that letter written at the very moment the Government were directing a prosecution, and yet they did not tell the Messrs. Laird that the information which they were ready to give might be used against them in an information which was being then prepared? But that is not all. Her Majesty's Government having been informed by Messrs. Laird that the person for whom they were building these rams was M. Bravay, of Paris, and that they were intended for the Pacha of Egypt, they could only have made an application to M. Bravay to purchase them themselves, on a conviction in their minds that his title to them could be proved. They said that they were going to detain the rams, and to institute a prosecution, because they were convinced that the vessels were intended for the Confederate Government; but in the same week they applied to M. Bravay to sell them to the English Government. This, however, was not a solitary application. Long after they had determined that these vessels must be detained, the Government, through the Chief Constructor of the Navy at Liverpool, proposed to buy them of Messrs. Laird. The reply that was given to Mr. Reed was, that they must have some better authority for entering into the negotiations, and thereupon an authority from the Admiralty to negotiate the purchase was produced by him. Thus, the very Government which tried to purchase the rams on the ground that those who were represented to be the real owners were the owners, during the whole month of September and up to the 27th of October, never turned one moment from the position they had taken that they would detain the rams until satisfactory evidence of their destination was given them. There is a remarkable letter of Earl Russell's, dated the 11th September, 1863, which conclusively proves that the noble Earl persisted in his intention to detain these rams long after he was convinced that the story told by M. Bravay, that they were ordered by him for the Pacha of Egypt, was true. Writing to Mr. Adams, the noble Earl said, it was important to show that the iron-clads were not intended for the Pacha of Egypt, and he went on to say that—

> "In respect to the Egyptian Government, it was only on the 5th instant that Her Majesty's Government received a despatch from Mr. Colquhoun, Her Majesty's Consul General in Egypt, which is conclusive on the subject. It was reported on the 28th August that M. Bravay, a French subject, had stated to Ismail Pacha that the orders were given when Said Pacha was last in Paris, and M. Bravay seems to have asked Ismail Pacha to fulfil the verbal agreement of his predecessor, and to purchase the vessels on which M. Bravay has paid a very large sum on account; but Ismail Pacha refused to purchase."

Earl Russell went on to say—

> "From this example, and that of the vessels built for the Emperor of China—the vessels which Captain Sherard Osborne took out—the President will gather how necessary it is to be dispassionate and careful in inquiries upon subjects so grave as this."

That despatch either meant that Mr. Colquhoun's despatch was conclusive that M. Bravay was the owner of the vessels, or that the statement of Mr. Colquhoun proved satisfactorily that the story of M. Bravay was not correct. But how could it prove the latter, when the only contradiction was that Ismail Pacha had refused to fulfil the contract which his predecessor had entered into? I appeal to the House, looking to the two statements side by side—to the case of the vessels ordered by M. Bravay and of the vessels ordered by Captain Sherard Osborne for the Emperor of China, which vessels were universally said to be intended for the Confederate States—is it not perfectly clear from the despatch of Earl Russell that at the time it was written, on the 11th of September, the noble Lord believed that the story of M. Bravay was true, or, at any rate, that it was true that Mr. Laird had built those vessels for M. Bravay on the distinct understanding that they were intended for the Pacha of Egypt? How came it that when the law provided a distinct course of action —if the Government had a just suspicion that the Foreign Enlistment Act had been violated, and it was their duty to proceed to seize the vessels—how came it that, not having evidence sufficient to justify the seizure, they proceeded, in the absence of all evidence, to detain the rams?

But the question remains, what passed to lead to this sudden change of opinion on the part of the noble Earl? That has been answered by a despatch from Mr. Adams himself—a despatch addressed to Mr. Seward, and dated September 8, 1863. It states that—

> "At the last moment on Saturday I sent a despatch by the ordinary mail, containing a copy of a despatch from Earl Russell to me of the 4th inst., just then put into my hands, signifying that the decision of the Government announced in his previous note of the 1st instant had, under the effect of my notes on the 3rd instant, been subjected to 'reconsideration.'"

There, Sir, is the secret of the whole matter. The real truth is, that while using language milder than the officials at Washington, Mr. Adams had yet used language so forcible as almost to be menacing, and in his despatch of the 3rd of September, couched in the most temperate language, the American Minister pointed out distinctly that, the event of the rams leaving the Mersey and inflicting injury on American commerce, would infallibly lead to a war between this country and the United States [" Hear, hear," *from the Ministerial* *benches*]. I scarcely know what hon. Gentlemen are cheering at when the statement I make is this, that the Government, without having any legal authority, and having stated that they had no legal authority to stop these rams, yet under the pressure of a menace, held out that war would ensue if they did not stop them, proceeded to take that course. [Mr. DUNLOP: Hear, hear!] Is that the statement which the hon. Member cheers? Is it that we should have a Government who, having themselves announced that they had no legal authority for the act, yet, in spite of the law, seized the property of a British subject, because they were told by the representative of another Power, that if they did not do so the consequences would be serious? I do not think that such will be the feeling of the House generally, still less of the country. I can say with truth that there is no man who would more deprecate any difference or hostility between this country and the United States than myself. I believe that such a war would be a fatal war and a most unnatural war, and I hope I may never live to see the day when it is entered upon; but if I am to be told that the English Government, in order to avoid such a war, is to trangress the law, and seize the property of a British subject without any justification, then I say that I will never approve the conduct of a Minister who would take such a course; but, on the contrary, am prepared to accept any consequences than pursue such a line of policy.

I ask the House to give me these papers to enable the public and this House to judge whether the Government have done their duty, whether they have overstepped the law, whether they have strained the law, and, if so, for what reason and under what circumstances it has been done. The hon. and learned Gentleman opposite, I am told, will decline to give the papers on the ground that they refer to matters still under judicial investigation. I have already said that if the question of the legality of the seizure of these rams was the question involved in my Motion, I should admit there was force in the objection; but that is not the ground I take. My ground is, that the Motion does not relate to matters which are the subject of judicial investigation, but to the legality of the preceding steps of the Government in detaining the rams. I take still higher ground. I think, that in the interests of justice these papers should be produced. There is nothing for which the people of this country are more remarkable than their respect for the law. There is only one thing of which they ought to be still prouder, and that is, that with all their respect for the law, there has always existed in every class a feeling of jealousy of the powers of the Executive ever being so strained, or the law ever being so overstepped as to injure the interests or endanger the privileges or rights of even the meanest of Her Majesty's subjects. And if I am told that this question is now under judicial investigation, let us look at the case of the *Alexandra*, and see what is the course of judicial investigation in this country. It means investigation that may last for years. In this very case the Government began the investigation in July; they detained the ships early in September, and they were seized in October; but it was not until February that the slightest step was taken to bring the case to trial. It is only within a short time that Messrs. Laird have been informed that an information has been filed against them; and that it would probably be the duty of the Government to send a Commission abroad to take evidence in support of their information. Taking every thing into account it will probably be the end of the year before the case can be sent for judicial investigation. And is the House of Commons to be told, upon a question where the Government have overstepped their authority and violated the neutrality which they profess, that they must wait two years for information, because the question was under judicial investigation. Such a reply can scarcely, I think, be regarded as satisfactory. I have limited, in order that there may be the less difficulty in giving the information, my Motion to two particular subjects, one being the Correspondence which has passed between Her Majesty's Government and the Messrs. Laird with regard to those vessels; and why on earth the Government should decline to produce that part of the Correspondence I cannot understand. All the letters of the Government are in the hands of Mr. Laird, who, of course, has copies of their own to the Government, and he has only to send them to the newspapers to have them published at once; and I do not see why the House of Commons should not have placed in their possession an authoritative version. The other papers I require are the Correspondence between Her Majesty's Government and the Representative of the American Government. I think I see a copy of that Correspondence on the knee of the hon. Member for Bradford (Mr. Forster), and half-a-dozen hon. Gentlemen have copies. The principal letters have been published in every newspaper in the United States; some have been quoted in the newspapers here; and why should the House of Commons be prevented from inquiring into the conduct of the Government by the withholding of papers which are already in print? Upon these grounds I hope the House will enforce the production of the papers, and then we shall see whether Her Majesty's Government have or have not acted in that way which alone entitles them to the support of the British people.

MR. HORSFALL seconded the Motion.

Motion made, and Question proposed.

THE ATTORNEY GENERAL: Sir, my hon. Friend does not hesitate to admit that he is sensible of the existence of some force in the objection to his present Motion, founded on the fact that this case is the subject of judicial investigation; but he seems to think that he will be able to evade that difficulty by limiting the scope of the inquiry to the conduct of Her Majesty's Government antecedent to the seizure of these vessels. He is of opinion that the papers for which he asks, having been produced, the House will be in possession of all the information which is necessary in order to enable them to form a judgment as to whether the Government have or have not in this matter done their duty. Now, by the very limitation which my hon. Friend has made in the terms of his Motion, he himself clearly admits that he knows, and that the House must be well aware, that to ask for all the papers in the hands of the Government—which would place hon. Members, as well as the country, in a position really to understand the grounds of the action which the Government have taken—would be directly to interfere with the administration of justice in this case, and to make the House of Commons instrumental in facilitating the objects in their litigation against the Government of private claimants, who doubtless would find it very convenient, by means of such a Motion as this, to get behind the scenes and possess themselves of all the information in the hands of the Government, so as to enable them to defeat its case, if possible, however just it might be. Why, such a thing was never heard of as that while a case was waiting for trial, the Government, or any other litigant party, should be called upon to produce all the materials in their possession from which a sound and correct judgment could be formed in justification of the course they have adopted. My hon. Friend says his object is to obtain the production of papers which would enable the House to know whether the Government has done its duty, at the same time that he is well aware he does not move for those papers, without which a fair decision cannot be arrived at on the subject. He wishes, in short, not for the case of the Government, but for the production of fragmentary and garbled extracts, consisting in part of documents which have passed between the Government and Mr. Adams, and which though I think there will be no advantage in laying them on the table, yet we are ready to produce, although they will not put the House in a position to form a correct judgment on the merits of the case. But my hon. Friend also wants to have the Correspondence which passed between the Government and Messrs. Laird, the constructors of these vessels, and who are now in part claimants of them; and he asks for that Correspondence without the other documents showing the grounds on which the Government acted, notwithstanding the professions of openness and candour made in that Correspondence. The production of those letters alone would be tantamount to laying on the table of the House, by the authority of the Government, that which is not the case of the Government, and would really not enable the House to understand why the Government were not satisfied with those professions, and why the Government, conducting for a long time and with caution an important inquiry, found in the end that it was their duty to take the step they did of seizing the vessels on their own responsibility, being prepared hereafter to justify that course at the proper time and proper place. My hon. Friend calls upon us to do the very thing he said he would not do—namely, to rehearse our case to the House; and, in the absence of materials, he at the same time tries to persuade the House that Earl Russell and the Government acted on grounds not warranted by law, and under the influence of representations almost of a menacing tone made by Mr. Adams. The House will excuse me if I follow my hon. Friend only partially into the statement he has made. First of all, to take up the commencement of the matter, on the 11th of July Mr. Adams sent to Earl Russell a letter, representing the affair to be of grave importance, and urging the Government to fulfil their professions of neutrality and execute the law by preventing the departure of the vessels in question. I ask the House whether any person could blame Mr. Adams, or the representative of any foreign nation, for urging a matter of that description in the most pressing and serious manner on the attention of the Government. In this case, the matter was pressingly urged by the Minister of the foreign country most interested in it, if his belief turned out to be correct; and are we to be told, that because his expressions might in certain instances overstep that moderation which is always desirable in questions of this kind, we ought to deviate one inch from doing our own duty, or in any way abstain from redeeming our own professions of honest neutrality? What would have been said if the United States, to whom we applied to enforce their own Foreign Enlistment Act during the war with Russia, had turned round and said that they would not enforce it, because it was Great Britain that asked it to be done? Should we have thought such a course consistent with the dignity of that country, or with the honesty of its profession of neutrality? Undoubtedly, it is the right of a foreign State, injured by proceedings of that description, to represent the injury and to call on a friendly Power to enforce the laws and observe the obligations of neutrality; and it is, I venture to say, the duty of that Power, not overstepping the limits of its own laws, but acting fully, firmly, boldly, and courageously, up to the extent of those limits, to attend to the representation made to it, and to put its laws in force. What was this case? Here are ships of that formidable character which, even according to the view taken in the Court of Exchequer, in the recent case of the *Alexandra*, by one of the Judges not in favour of the Crown, are, if intended for the Confederate Government, contrary to our Enlistment Act, and capable of doing the most extensive mischief to the commerce of the United States the moment they pass beyond the limits of our waters. The character of the ships was patent and known, and the only question was, whether they were intended, as Mr. Adams believed, for the Confederate Government. What was the course taken by Her Majesty's Government? They desired to have such evidence as would justify them in acting, as would produce a conviction in their own minds of the truth of the facts alleged, and as they could produce in a Court of Justice. The depositions forwarded to the Government, though containing some matter which was properly evidence, and capable of being produced in a Court of Justice, contained more that was not capable of being so produced; and, on the whole, it did not appear to the Government proper then to treat the vessels as liable to confiscation. That decision was announced to Mr. Adams on the 1st of September. It is said, however, that Mr. Adams, on the 3rd of September, repeated his instances, and that on the 4th an order was given to detain these vessels, or to prevent them from leaving the port of Liverpool. That order, however, was not the result of a decision adopted by the Government after the receipt of Mr. Adams's letter of the 3rd of September, but, as stated in another place, of a decision arrived at previously. The hon. Gentleman asks, whether any new information reached Earl Russell in the mean time? That is just the one thing contained in the papers asked for by the hon. Gentleman, and which we do not mean to tell him; but he may be sure that the Government had grounds for what they did. They were themselves, during the whole period, actively prosecuting inquiries, and information reached the Government which determined the measures they took at every stage and every step. The hon. Gentleman asks, what right the Government had to detain the ships. [Mr. SEYMOUR FITZGERALD: Hear, hear!] The hon. Gentleman cries "hear;" but I do not hesitate to say boldly, and in the face of the country, that the Government, on their own responsibility, detained them. They were prosecuting inquiries which, though imperfect, left on the mind of the Government strong reasons for believing that the result might prove to be that these ships were intended for an illegal purpose, and that, if they left the country, the law would be violated and a great injury done to a friendly Power. The Government did not seize the ships, they did not by any act take possession of or interfere with them; but on their own responsibility they gave notice to the parties interested, that the law should not be evaded until the pending inquiry should be brought to a conclusion, when the Government would know whether the inquiry would result in affording conclusive grounds for seizing the ships or not. If any other great crime or mischief were in progress, could it be doubted that the

Government would be justified in taking steps to prevent the evasion from justice of the person whose conduct was under investigation until the completion of the inquiry? In a criminal case we know that it is an ordinary course to go before a magistrate, and some information is taken of a most imperfect character to justify the accused's committal to prison for trial, the prisoner being remanded from time to time. That course cannot be adopted in cases of seizures of vessels of this description. The law gives no means for that; and, therefore, it is that the Government, on their own responsibility, must act and have acted in determining that what had taken place with regard to the *Alabama* should not take place with respect to these ships—that they should not slip out of the Mersey and join the navy of the belligerent Power, contrary to our law, if that were the intention, until the inquiry in progress should be so far brought to a conclusion as to enable the Government to judge whether the ships were really intended for innocent purposes or not. There is all the distinction in the world between giving a notice, which had the effect of detaining the vessels, on the responsibility of the Government, and seizing them; for the latter the Government desire never to do, unless on such evidence as would clearly justify the seizure. In point of fact, this detention has been neither more nor less than an announcement to the builders that the ships were under the surveillance of the Government, and that if any attempt were made to withdraw them suddenly from the river, the Government, on their own responsibility, would take the necessary measures to prevent it. Practically, this made during the time no difference, because the ships were incomplete, and the moment had never been reached, when, even according to the statement of the builders, they were actually stopped or detained before the seizure took place. On the 9th of September Mr. Layard wrote to Mr. Hamilton, of the Treasury, that the ships were not to be allowed to leave the Mersey until either satisfactory evidence of their destination was obtained, or the inquiries which had been commenced were brought to a termination. Of course, if any satisfactory information could be afforded in the mean time, showing that they had an innocent and lawful destination, that was all which the Government could by possibility aim at or desire. But, if no information of that kind could be given, the Government were determined that the inquiries which they were making should be brought to a legitimate conclusion, that it might be seen whether those inquiries resulted in evidence or not of the vessels being intended for the Confederates, and that in the mean time they would not permit the ends of justice to be baffled by the sudden removal of the ships from the river. Messrs. Laird had early intimation of this determination. About the same time, the note which we have heard quoted was written to Messrs. Laird making inquiry who was the owner or the person representing himself to be the owner. I asked the hon. Gentleman to read the earlier part of that note, because I knew it would then appear to have been written upon the invitation of Messrs. Laird themselves. They had given the Custom House agent to understand that, although they would not volunteer information, yet if the inquiry were made officially they were quite prepared to answer it. Nothing was more desired by the Government than to receive satisfactory information which by possibility might show the destination of the ships to be lawful, and might put an end to the whole question. Accordingly, they wrote that they had been informed Messrs. Laird had the information ready to give, and that the information would be acceptable. Then Messrs. Laird mentioned the name of the French gentleman who has been referred to—M. Bravay—and stated that he was the owner of the ships.

The next objection is, that during this period the Government were willing to become purchasers of the vessels from M. Bravay or Messrs. Laird. This is during the period when they were not fully satisfied that they had evidence on which they would be justified in seizing the ships. It was during that period that inquiries were in progress, and while those inquiries were incomplete. I venture to say that a course more just or liberal could not well have been taken than this. The Government did not wish to enforce the forfeiture of valuable property against individuals. If it be true, they said, that a private French gentleman is speculating in two ships of this description—if he is a dealer in large steam rams—it must be presumed that, as he is not a belligerent, he must wish to sell them to some one or other. Messrs. Laird or M. Bravay might either be under some delusion as to what the law of England permitted; or, strange as it might seem, it might possibly be a real *bonâ fide* speculation in steam rams of war by a private French gentleman having no intention to send them to the Confederate States. But, if so, probably they would be quite ready, and it might be an easy solution of the matter, to sell them to the British Government. They were not obliged to sell them to the Government, but what harm there could be in offering them an opportunity of proving their good faith and at the same time avoiding loss and finding a customer, I am unable to see. I abstain, purposely, from going more fully into the facts; whenever all the facts are known, it will be seen that the application of such a test to M. Bravay's statements was entirely justified by the nature of those statements; and that the object of the Government was not at all to acquire the vessels for themselves. The next passage of the Correspondence to which my hon. Friend referred was Earl Russell's letter to Mr. Adams of the 11th September, 1863. It is there stated that the Government, as I read the letter, had been perfectly satisfied that there was no truth in the representation that the ships were meant for the Egyptian Government; because inquiries had been made which did indeed show that there had been something said by M. Bravay on the subject, but the Government of Egypt entirely repudiated the existence of any contract whatever for the purchase of such vessels, and said they had nothing to do with these vessels. An Egyptian destination having been alleged, so far it appeared they had not an Egyptian destination. The next thing done was to seize them. I, of course, abstain strictly from informing my hon. Friend of those facts which the Government had ascertained, which satisfied them beyond doubt that illegality had been committed, and that there was a forfeiture; but it will be a satisfaction to the House to have some good ground for believing and knowing that, as a matter of fact, they were not Egyptian vessels which the Government seized, and that they were really intended for that service which was supposed when they were seized. My hon. Friend has read from papers which have been laid before the Congress of the United States. Other papers have also been laid before another Congress, and in a document which has been made public as the report of the Secretary of the Confederate Navy to his own Congress I find this passage contained—

> "In accordance with the order of the President, early in the present year, I despatched several agents to England and France, with orders to contract for eight iron-clad vessels, suitable for ocean service, and calculated to resist the ordinary armament of the wooden vessels of the enemy. These ships were to be provided with rams, and designed expressly to break the blockade of such of their ports as were not blockaded by the iron-clad *Monitors* of the enemy. Five of these vessels were contracted for in England, and three in France. Due precautions were taken against contravening the laws of England in the construction and equipment of these vessels. Three have been completed; but, owing to the unfriendly construction of her Neutrality Laws, the Government of England stationed several war vessels at the mouth of the Mersey, and prevented their departure from England. Subsequently they were seized by the British Government."

We shall have to discuss with M. Bravay and Messrs. Laird the validity of this seizure, and it can be more conveniently done in another place than it can be done here. But, as between this country and the Confederate Government, we seem to have information from head-quarters of a character perfectly unquestionable; and we know, therefore, as a matter of fact, that these ships were being built in violation of our laws, and for the purpose of being used in the belligerent service of the Confederate States. When I say "in violation of our laws" it is not, of course, for the purpose of entering into any legal argument. But I invite any one who wishes to inform himself to read the judgment of Baron Bramwell, which was adverse to the Government, in the case of the *Alexandra*, and then I would ask whether it is not perfectly clear that, applied to ships of this character and description, it would not establish an infraction of our Foreign Enlistment Act.

The House, I hope, will believe that the Government have not merely stumbled on the prevention of a gross and most dangerous infraction of our laws—that we have not done what we have only by accident—but that we had some information—that our inquiries did lead to a result which, in the judgment of Her Majesty's responsible advisers, not only authorized them, but made it their absolute duty to seize these vessels. As to Mr. Adams's despatch to Mr. Seward, stating that the matter had been reconsidered, owing to the effect of Mr. Adams's note of the 3rd instant, Mr. Adams may credit himself with his note having such influence; but I believe that the effect of the note of the 3rd was the same as the previous notes which had not led Her Majesty's Government to determine to take action against these vessels until the course of their own inquiries led them to believe there was decisive evidence of their destination. Undoubtedly the note of Mr. Adams was entitled to attention as the representation of a friendly Government. But nothing is further from the fact than the supposition that Her Majesty's Government, having no other grounds for the action which they took except the suggestions of Mr. Adams in that note, took it only under the influence of the considerations presented to them by him. Her Majesty's Government took the step of detaining the vessels during the continuance of their own inquiries, and when the evidence was as yet incomplete, because those inquiries at that time had reached a point which led them to believe they would lead to actual and positive information, making it clear, one way or another, that those ships were or were not intended for the Confederate States. If they were not, there would be a satisfactory end of the entire matter. If they were, it was our duty to prevent any evasion of the law of the country. With regard to the present state of the case, I frankly confess that I regret having to speak of it as pending and awaiting decision. I confess that it would be satisfactory if the case were further advanced. All I can say is that the Law Officers of the Crown have been, and are most anxious that it should be, proceeded with with due despatch. On the other hand, I think the House would blame those whose duty it is to prepare for trial, if they did not take pains to proceed to that trial under circumstances most favourable to the country and the Government. It was considered impossible to prepare for trial after last term, and no trial can now take place until May next, but then the case will be quite ready, and it will turn out, as I believe, that no time has actually been lost. I have stated now all that it is the necessary duty of the Government to state upon this subject. It is impossible that the case of the Government can now be brought before the House. But the Government have acted under a serious sense of their duty to themselves, to Her Majesty, to our allies in the United States, and to every other nation with whom Her Majesty is in friendship and alliance, and with whom questions of this kind may be liable hereafter to arise. Under a sense of that duty they have felt that this is not a question to be treated lightly or as one of no great importance. If an evasion of the Statute Law of the land was really about to take place, it was the duty of the Government to use all possible means to ascertain the truth and to prevent the escape of vessels of this kind to be used against a friendly Power. It was their duty to make inquiries and to act if there was good ground for seizure, taking care only to adopt that procedure which was justified by the circumstances. On the other hand, the Government will act, as they always have acted, upon the principle that no seizure of this kind ought to be made, except upon evidence satisfactory to their minds of an actual violation of the law. Upon such evidence we have acted in this case. The only question which really arises is this:—Were the Government justified, or were they not justified, in taking upon themselves to say that, at a time when they were already in possession of some, though imperfect, evidence, and pending inquiries which might result in attaining, and which, in their judgment, did attain, such satisfactory evidence, they would not permit the ships to be removed until that inquiry was complete, and until they had the means of knowing whether further evidence, which would prove the guilt or innocence of these vessels, was likely to be forthcoming? The House will judge whether or not the Government did exceed their duty, but they would certainly have been grossly wanting in their duty if, after the experience they had had in the case of the *Alabama*, and while their inquiries were pending, they had not been willing to take on themselves the responsibility of saying that they would not permit justice to be evaded until they could fully satisfy themselves whether the ships ought to be seized or not; and if they had not relied on the fair and candid judgment of the country, knowing, as the country must know, that they had been actuated by no other motive but that of vindicating the law, and of doing to other countries that which they expect other countries to do to them.

MR. HORSFALL said, he wished, in the first instance, to thank the hon. Member for Horsham for the very able and clear manner in which he had brought the subject under the consideration of the House. The Attorney General had said that his hon. Friend had asked for papers which were just the papers the Government could not place before the House—namely, the documents intervening between the 1st and 3rd September; but the hon. and learned Gentleman had forgotten to remind the House that Mr. Adams had stated that those papers did not add any additional evidence to that already known. The Attorney General had told the House that the Government had no wish to oppress the commercial interests of the country; but he (Mr. Horsfall) should like to know upon what ground they had refused to Messrs. Laird their permission to complete the vessels whilst they were in possession of the Government—a course which would have increased the value of the vessels to the Government, and would have enabled the Messrs. Laird to receive the last instalments payable for the vessels. That course of conduct certainly amounted to oppressing the commercial interests of the country. The hon. and learned Gentleman had alluded to the case of the *Alexandra;* but he (Mr. Horsfall) should have thought that that was the last case to which he would have alluded—a case in which a jury of British gentlemen had given a clear and unanimous verdict against the Crown, and in which the Judges had refused an appeal. The hon. and learned Gentleman, however, took a different view, and thought that upon a further appeal that decision might be reversed. He (Mr. Horsfall) did not think the hon. and learned Gentleman had improved his position by reminding the House of the course which had been pursued by the Government in the case of the *Alexandra.* Upon a recent occasion, however, he had stated in an admirable speech made in that House, that it was the duty of the Government not to enforce English law against English subjects upon mere suspicion, or without satisfactory evidence. He should like the House to consider where the satisfactory evidence was against the rams. Although Her Majesty's Government would not give them information, some information had been laid before the American Congress. From the papers published in America, it appeared that one of the principal evidences against these rams was a person named Chapman, who, as the Attorney General would perhaps recollect, had been very properly designated at the late trial as a spy. Another witness in the case was a Mr. Clarence Randolph Young, who had to give a most extraordinary account of himself in cross-examination at the trial of the *Alexandra.* It appeared that he had deserted his wife and child at Savannah—that he went to Kingston, and married a mulatto woman with some money, and that, having sold all her property, he deserted her in Liverpool and came up to London to be a witness in that case. Certainly the Government could not be congratulated on the witnesses they brought forward. In the same case a Mr. Wilson, a very respectable man, was called on to speak to the character of the ship, but it turned out that he had never built a ship for twenty years. It would be curious to know something of the evidence brought before the noble Earl at the head of the Foreign Office. On the 31st of August, the Under Secretary for Foreign Affairs wrote to the hon. Member for Birkenhead (Mr. Laird) in reference to the *Alabama* in these terms—

> "In a note which Earl Russell has lately received from Mr. Adams the *Alabama* is described as a vessel 'fitted out and despatched from the port of Liverpool,' and his Lordship directs me to say that he would feel much obliged to you if you could inform him how far it is true that the *Alabama* was fitted out as a vessel of war at Liverpool before she left that port."

Mr. Laird's reply, with his characteristic frankness, was as follows:—

> "In reply to your letter of the 31st of August, stating that Earl Russell would feel much obliged to me if I can inform him 'how far it is true that the *Alabama* was fitted out as a vessel of war at Liverpool before she left that port.' I request that you will inform his Lordship that I am not able, from my own personal observation or knowledge, to reply to his Lordship's inquiry, as I did not see the *Alabama* after the first week in July, 1862, being some weeks before she sailed. In order to obtain for his Lordship from a reliable source the information he has asked for, I have made inquiries from my successors in business, the firm of Laird, Brothers, the builders of the vessel now called the *Alabama,* and I am authorized by them to state that the vessel referred to was delivered by them at the port of Liverpool, and that at the time of her delivery she was not fitted out as a vessel of war."

That letter appeared to have been transmitted to Mr. Adams by the noble Earl, and he was sorry to say that he could not join in the eulogium which had been passed by his hon. Friend the Member for Horsham on the American Minister. Writing to Earl Russell, Mr. Adams said—

> "I cannot but regret that your Lordship should have adduced the evidence of Mr. Laird in support of any proposition made to my Government. I trust that I may be pardoned if I remind you that the statements made heretofore by that person in Parliament respecting their action are not such as are likely to lead to their implicit credence in any relating to his own."

Such language from Mr. Adams was insulting to the hon. Member for Birkenhead, insulting to Earl Russell, and insulting to the House of Commons. He had known the hon. Member for nearly forty years, during which time several severe contests had taken place between the Cheshire and Lancashire sides of the Mersey, and he defied any man to cast a slur on his character. Earl Russell had allowed this language to pass entirely unnoticed, and he could not help thinking that such conduct on his part was undignified and unbecoming a British Minister. In a letter to Mr. Adams, Earl Russell pointed out that the Government were advised that the information contained in the depositions was in a great measure hearsay, and that it was not such as to show the intent necessary to make the building and fitting out of these vessels illegal Now, there was not one word in the Foreign Enlistment Act about "building," and why should Earl Russell introduce the word? If these vessels were not to be built, surely that was an oppression of the mercantile interests of the country. It ought to be the policy of this country to encourage the building of vessels in every possible way, and no doubt that was the intention of those who passed the Act. If the nations of the world were allowed to come here to get their vessels of war built, and to have their munitions of war manufactured, they would not be at the trouble of getting shipbuilding yards and manufactures of ammunition of their own. There fore, if we went to war we could shut out our adversary from the means of procuring arms and ammunitions of war. It would, in his opinion, be a most fatal policy on our part to declare that no ships of war should be built in this country for other nations. It was very easy for the Government, with the large public funds at their disposal, to crush the commercial interests of the country by law proceedings, but the public eye was keenly watching the Government in the course they were now pursuing. For his own part, he held that the whole proceedings in the case of the *Alexandra* and in the case with regard to the Messrs. Laird constituted an act of the most cruel injustice, and a useless expenditure of the public money.

LORD ROBERT CECIL said, he should not have presented himself to address the House had he seen any intention of rising on the part of any hon. Gentleman opposite. Indeed, they generally left the lion's share of the debate to those on his own side of the House. In the refusal of information and the absence of discussion lay, perhaps, their great, if not their only means of safety. He would not travel over the same ground as his hon. Friend behind him, who had treated so ably of the law and the facts. He would confine himself to the constitutional aspect of the question. The subject before them was really the legitimate jurisdiction of the House of Commons. On his side hon. Members claimed the right to inquire into the whole of the proceedings which the Government had taken. The Attorney General, on behalf of the Government, refused to acknowledge that right, and drew a very narrow circle, within which they were to exercise the privilege of inquiring into the conduct of the Government. The hon. and learned Gentleman said, that as long as any matter was the subject of judicial inquiry, or as long as any point germane thereto was in that position, the House must not inquire into it. It was high time for the House to consider to what that principle amounted. It was obvious, as his hon. Friend had said, that the Government, if it chose, without a vestige of proof to support its case, without an atom of law to justify its action, could ruin any man against whom, for any reason, whether of political apprehension or of private grudge, it determined to point the artillery of the law. The Government paid no costs, and law was costly. If it were defeated in one Court, the Government could carry the case to another; if it were again defeated, it could turn off the question on a point of form, and thus it could so prolong and multiply proceedings that the resources of no citizen in the realm could bear up against the pressure. No similar power was known to the Constitution. The Government could not deprive a man of his liberty or of a sixpence of his money unless it could adduce adequate proof and valid law. Yet it could fine a man to the amount of his whole fortune, under the pressure of legal proceedings, at the end of which it would have neither law nor evidence to justify its action. No costs, however, could be awarded against it. [The SOLICITOR GENERAL: That is a mistake.] At all events, in the Court of Exchequer costs had not generally been granted against the Government; and, even if they were, it was well known that they would cover but a slight portion of the expenses incurred by the defendant. Now, there was no check on the exercise of that power, so vast and tyrannical, save one, and that was to be found in this House. It was only by the action of the House of

Commons that this power of ruining a subject by process of law could be brought within any bounds or limits. Such being the state of the case, the learned Attorney General told them they had no right to inquire into any matter which was the subject of judicial investigation. He (Lord Robert Cecil) granted, that on ordinary occasions, it would be exceedingly inconvenient in them to do so. Usually, matters must be left to the slow operation of the law. But, surely, when the Government was putting a subject of the Queen under the screw, and squeezing out of him all his fortune by legal proceedings, trenching on his rights, and in spite of adverse decisions against itself carrying the matter from Court to Court, the House of Commons had a right to satisfy itself that the Government was acting from legitimate motives, and that no secret and unworthy object had led it to take a course so detrimental to the interests of the country. He was bound to say, that in the case under consideration there were grave grounds of suspicion. The first thing that struck one was that the rams were seized six months ago, yet only the first legal proceedings had been taken, and that with an intimation that a very lengthy commission was to issue. The peculiarity of the action of the Government was that it took advantage of every possible legal machinery in order to put off, to the most remote date, the final trial. That might be accidental, but it might be intentional. The hon. and learned Gentleman spoke of the language of Mr. Adams as only slightly passing the bounds of moderation. Perhaps he might admit that Mr. Adams's own language warranted that description; but Mr. Adams was the representative of a Foreign Government, and that Government had used language to which the designation of the hon. and learned Gentleman was scarcely applicable. What of Mr. Seward's despatch of the 11th of July? There had been a good deal of talk about that document in the House, and a good deal of difficulty in arriving at the real facts of the case. From the statements which had reached them from another place he thought he was justified in coming to the conclusion, that although no official communication was made by Mr. Adams to Earl Russell of the contents of that despatch, yet the noble Lord knew perfectly well what they were. [Mr. LAYARD: No.] He would not discuss the matter with the hon. Gentleman, for he would no doubt call it special pleading. Any hon. Member who would take the trouble to consult the more trustworthy representations which were made in another place, and which were not vouchsafed to the House of Commons, would probably arrive at the conclusion he had just expressed. Mr. Seward's language was as follows:—

> "Can it be an occasion for either surprise or complaint, that if this condition of things is to remain, and receive the deliberate sanction of the British Government, the navy of the United States will receive instructions to pursue these enemies into the ports which thus, in violation of the law of nations and the obligations of neutrality, become harbours for the pirates? The President very distinctly perceives the risks and hazards which a naval conflict thus maintained will bring to the commerce and even to the peace of the two countries. But he is obliged to consider that in the case supposed the destruction of our commerce will probably amount to a naval war waged by a portion, at least, of the British nation against the Government and people of the United States—a war tolerated, although not declared or avowed, by the British Government. If, through the necessary employment of all our means of national defence, such a partial war shall become a general one between the two nations, the President thinks that the responsibility for that painful result will not fall upon the United States."

That was a distinct threat of war. The language in the despatch read by his hon. Friend the Member for Horsham, was also a distinct threat of war. In arguing the case of the *Alexandra*, the Attorney General intimated to the Court, in language not to be misunderstood, that the result of a decision adverse to himself might possibly be war.

THE ATTORNEY GENERAL: I never alluded to anything of the kind. I argued on general principles alone.

LORD ROBERT CECIL said, he accepted, of course, the hon. and learned Gentleman's explanation of the construction he himself put on his words, but it was very evident, from the remarks of the presiding Judge, that such an impression as he had adverted to had been created in the mind of the Court. What he wanted to impress on the House was that, throughout these proceedings there had been a threat of war on the part of the United States. The Government had failed to obtain from the Courts of Law and from British juries that application of the law which it desired, and consequently the only course that was open to it, under these circumstances, was to procure the utmost possible delay, which the greatest dexterity in lengthening legal proceedings would enable them to obtain. They were threatened by the United States; they knew they were unable to obtain a decision in their favour in the Courts of Law; after the threats which had been made by the United States, they did not dare to come to the House of Commons for an alteration of the law—what were they to do? The only course open to them was to lengthen out the proceedings to the greatest possible extent, to detain these ships by the mere prolongation of proceedings until, perchance, the complications on the other side of the Atlantic might cease, and so to obtain by an indirect and illegal method that which they could not achieve, either by coming to the House of Commons for a change of the law, or by a straightforward and fair application of the instrument which existing statutes placed in their hands. But that was not the most important part of the speech of the hon. and learned Gentleman. We had had a distinct avowal that the Government had broken the law. The hon. and learned Gentleman had acknowledged that upon their own responsibility, without any authority from the law, they had ventured to stop vessels which had a legal right to leave the country. Now, it seemed to him that it would be an evil day in our history when it was recorded that the Government, under threats of war from a Foreign Power, without any authority from the law to do so, had broken through every right which the subject possessed, had set at defiance every security of the law, had seized his property in violation of the law, and that then Parliament had taken no notice whatever of such an illegality. What possible inference could be drawn from the silence of the House of Commons in these circumstances? Was there any other period of our history at which such an act would have been permitted? Was there any other period at which it would have been endured, that the Government should violate the rights of the subject in deference to a Foreign Power, and yet that Parliament should take no notice of the matter? Nor must it be supposed that this was a solitary case. Last summer there was a case of precisely the same kind, to which he thought it his duty to direct the attention of the House at the time. A vessel called the *Gibraltar* was freighted at Liverpool, with a cargo of guns for Callao. The Government sent down an order that she should be detained. They did not attempt to seize her; they detained her, as the hon. and learned Gentleman had expressed it, upon their own responsibility for three weeks; no application that could be made would induce them to let her go; and it was not until the matter was mentioned in the House of Commons, and pressed upon the hon. and learned Gentleman, that leave was sent down from the Treasury to allow her to depart. For three weeks she was detained; the contract under which she sailed was so far broken; but yet no justification of the illegality had ever been offered—no compensation given to the unfortunate individual who suffered. There was a curious circumstance connected with the case of the *Gibraltar*, which he thought would show the spirit in which the Government had acted in reference to vessels of this kind. Among the Parliamentary papers would be found a letter from the freighter of the *Gibraltar*, in which he said—

> "We are informed by the Collector of Her Majesty's Customs for this port, that if we permit you to ship the two large fort guns on board the steamship *Gibraltar*, that vessel will not be allowed to clear, thus preventing us from performing our charterparty with you. This action, on the part of Her Majesty's Government, is based upon the suspicion that ultimately your fort guns may find their way into the Southern Confederacy; the Collector, in reply to our question, having informed us that, if the fort guns were for the Federal or Northern Government, no obstacles would be placed in the way of their being shipped, stating, at the same time, that such shipments to New York were of common occurrence."

That was the statement of an officer of the Government.

THE ATTORNEY GENERAL: No; that letter is not from an officer of the Government.

LORD ROBERT CECIL: Certainly not, but the writer gave the statement as one made to him by the Collector of Customs, and he presumed he was an officer of the Government, and his representation of the intentions of Her Majesty's Government, though printed and circulated among the Parliamentary papers, had never been contradicted either by the Collector of Customs himself at Liverpool or by the Government. It was all very well for the Attorney General sitting there to contradict it; his honour was safe, because if it should afterwards turn out that the Collector did make the statement, it might be said that the hon. and learned Gentleman had no communication with him; but, he repeated, no contradiction, either by or on behalf of the Collector, had ever been given to that formal declaration of the intentions of Her Majesty's Government. It seemed to him that the case of the *Gibraltar* threw a flood of light upon the motives of the Government in detaining the steam-rams, and the principles on which they acted. They claimed a right to detain vessels—not in one case, but in many—without any authority from law, upon their own responsibility, because they believed that possibly at some future time they might find evidence that some statute had been broken. They claimed that right, and in acting upon it they explained that they did so for the benefit of one side, in a contest as to which they professed to maintain a position of absolute neutrality. With such evidence before them—it being perfectly clear that their anomalous and illegal power of detaining vessels, not of seizing them, was acted upon in the interest of the Federal Government, and therefore might be supposed to be acted upon under the threats of war which that Government was in the constant habit of addressing to ours—he thought the House of Commons would deserve those reproaches which had recently been cast upon them if they tamely passed over such a case as this. They had been accused of being the "most docile" House of Commons that ever existed, of "sneaking to their places," of allowing Ministers to do what they pleased. They would really merit that charge, and should not easily be able to wipe it off, if they quietly received the threats of a foreign Power, if under those threats they applied the processes of law with merciless severity, if they used all the delay and procrastination of the law for the purpose of crushing the subject, if they allowed Her Majesty's Government to break the law, and if they suffered them at the same time to avow that they did it on behalf of those who had addressed to them threats of war. He trusted the House would hear a more satisfactory defence of the conduct of Her Majesty's Government than had yet been delivered; but if no such defence was offered, he thought the House would not be doing its duty unless it recorded formally in its journals a protest against that assumption of a new dispensing power, a new power of suspending the rights of the subject, a new establishment of despotic claims, which might, perhaps, be in place in the atmosphere of St. Petersburg or of Washington, but which were entirely out of place in the atmosphere of London.

Lord Robert Cecil

MR. W. E. FORSTER said, he was sure the House must have been struck with the great difference between the tone of the hon. Member for Horsham (Mr. Fitzgerald) who had introduced the Motion, and that of the noble and hon. Member who had supported it. The hon. Member for Horsham (Mr. Fitzgerald), in his very clear, able, and moderate speech, had restricted himself to a demand for the production of papers; and in giving reasons why they should be produced, he had expressly guarded himself against being supposed to wish for any interference with the action of the Government respecting the Foreign Enlistment Act. But the hon. Member for Liverpool went far beyond that. The hon. Member had read extracts from the trial in the case of the *Alexandra*, which could not be very intelligible to hon. Members who had not—and he confessed himself to be among the number — read through that tedious trial. The hon. Member had ended by stating that shipbuilders had been encouraged, and that they should ever be encouraged, to build ships of war. He (Mr. Forster) could not help here from remarking, that if war should break out —and he heartily hoped it might not— between this country and Austria and Prussia — [Lord ROBERT CECIL: Hear, hear!]—he was aware of the noble Lord's bellicose tendencies; but supposing war broke out between us and a power which had no fleet, he did not think the hon. Member for Liverpool's constituents would thank him for suggesting the argument that ships of war should be built for our enemies by our friends, France or the United States—and that American and French *Alabamas* should prey upon our commerce, because France and the United States thought it desirable that their shipbuilders should be encouraged. The noble Lord quoted a case with which he (Mr. Forster) had not before been acquainted—he alluded to the case of the *Gibraltar*. That was not the first time the House had heard the noble Lord state his opinion that the Government had broken through the principle of neutrality. It would be fairer to both the Government and the House if, instead of bringing forward such charges incidentally, noble Lords and hon. Members who made them introduced them by means of a direct vote of want of confidence in the Government, founded on their having acted in that manner. Again, the noble Lord denied that the question before them was a question of papers, and stated that it was a question whether the Government should have a dispensing power. If the noble Lord, after the declaration of the Attorney General, that these vessels had been seized upon the responsibility of the Government, did not think the Government had any right to detain those rams, let him bring forward a vote of censure. Coming to the Motion of the hon. Member for Horsham, there were two sets of papers included in the correspondence. One was the correspondence between our Foreign Office and Mr. Adams, or, between our Foreign Office and our Minister in America; the other, the correspondence between the Government and the Messrs. Laird, the builders of the vessels. He was glad that the Attorney General was willing to produce the first of these series; for he thought it would be perfectly useless of our Government to refuse to publish the official correspondence that had already been printed and circulated in America and this country. If the Government did print the bulky volume the correspondence would occupy, he hoped they would not cut out too much. He hoped they would not confine themselves to the English correspondence, because, among that which referred to France, a good deal of light was thrown on the interesting negotiations which were carried on last year in that country by the hon. and learned Member for Sheffield (Mr. Roebuck) and the hon. Member for Sunderland (Mr. Lindsay) in reference to American affairs. He felt sure that when the whole of the papers were before the House, so far from confirming the insinuation that Earl Russell had made any unworthy concessions to a Foreign Power, they would contradict it; but they would not afford that information which might be desired by the owners of the rams and those who spoke for them—they would not give the reason why the Government had come to the conclusion that they might be able to prove a breach of the Foreign Enlistment Act. That information might be useful to the defendants in the proceedings; but he hoped the House would see that it was information which the Government ought not to give these parties. The case alleged against the noble Lord the Secretary for Foreign Affairs was that in the beginning of September he wrote a letter to Mr. Adams, in which he stated that he did not think there were grounds on which the Government could interfere with those rams, and that within two or three days after writing in those terms, he found there were grounds, and took measures to detain the vessels. From those facts he presumed that there had been great doubt on Earl Russell's mind as to whether there were any grounds for detaining them, and that the noble Earl would not, under such circumstances, accede to the demand of a Foreign Government for interference; but that between the time at which he wrote his first letter and the date of his second he received information upon which he determined to act. Was it not fairly to be assumed that the noble Lord, having got certain information, acted upon it, and that he determined to detain these ships solely from what he knew, and not upon representations made by the American Minister? No doubt it would be exceedingly useful for the purposes of some persons to find out what induced Earl Russell to suppose that the statement which had been made as to the French destination of the rams was untrue. But would the House allow itself to be made use of for the purpose of acquiring such information? Then as to the general question, it was a matter of notoriety on this and on the other side of the Atlantic, that in the yard of the Messrs. Laird, where the *Alabama* had been built, to commit depredation after depredation upon American shipping, steam rams were in preparation to follow the example of the *Alabama,* and inflict much more serious injury on American interests. The Attorney General had read a letter detailing the plans resorted to by the Confederate Government to induce British subjects to violate British neutrality. Any hon. Gentleman who was in the habit of watching the news which came from America would be aware, that for months previous to the detention of these rams a fear was expressed in the North and a hope in the South that they would issue forth; and that being so, and the Government having reason to believe that the rams were intended for the Confederate Government, they took upon themselves the responsibility of detaining them, under the provisions of the Foreign Enlistment Act. Well, then, if the noble Lord or hon. Gentlemen opposite thought that the Government deserved a vote of censure for so doing, let them boldly propose such a vote, and say that they would not have done the same thing. It was his full belief that they would have done the same, not from any fear of war with America, but solely from a sense of what was required by English interests, which they, no doubt, had as much at heart as the present Government had. The noble Lord seemed to think lightly of a war with America; but that was not the feeling of the country, nor did he believe it could be the feeling of the Opposition generally. Much had been said about Mr. Seward's despatch. He was not there to defend Mr. Seward who might not perhaps write with taste or elegance, but it showed the necessities of hon. Gentlemen opposite that they were obliged to cite despatches which had never been presented. No doubt that despatch threatened England with war if these rams went forth; and if the case had been reversed—if an *Alabama* had sailed from an American port to prey upon English commerce, and we heard that she was to be followed by a fleet of rams—we should not merely have threatened, we should have declared positively that we should regard such an act as an act of war. These men were our descendants, and we ought, therefore, to put ourselves in their position, and to consider what we should have done in a like case. But the question was not one of peace or war alone; it was a question of English interests. If the precedent of the *Alabama* were to be followed, what was the use of our navy? What would be the use of blockading the ports of even a weak country? Why, in the event of war, we should be obliged, if this precedent were allowed, to blockade the ports of every neutral nation. With such tremendous interests at stake, therefore—with the possibility of a war against America, and not in a just cause—with our position as a great maritime country thus imperilled—with the enormous expenditure into which we should have been led had we allowed a breach of the law as between neutrals and belligerents—if the Government had neglected their duty in the matter of these rams, he believed that nobody would have been more ready to blame them than hon. Gentlemen opposite.

SIR HUGH CAIRNS:* Sir, in the observations which it will be my duty to make, I shall endeavour to bring back the House to the precise question on which we are called to vote, and I will begin by subscribing sincerely to what was advanced by the hon. and learned Attorney General, when he called on the House to acknowledge the impropriety of discussing the production of papers which would prejudice or affect pending legal proceedings. Sir, if I thought that the production of these papers would affect pending legal proceedings, or that they were moved for to answer any such purpose, I should be the last person to support the Motion. But I believe that it can have no such effect, that the production is intended to have no such effect, and that every word which has fallen from the learned Attorney General on the subject will show that it would not have that effect. The papers asked for may be divided into two classes. One is the correspondence between Her Majesty's Government and the Government of the United States, with regard to these ships; the other consists of correspondence of a different kind, between the Government and the firm of Messrs. Laird, the builders. Now, I think, it is very material to state clearly the purpose to be served by the production of these papers. With regard to the first class of papers, the object in asking for them is not to raise any question about our municipal statute, the Foreign Enlistment Act, or as to the merits or demerits of the case of the shipbuilders under that Act, but to ascertain what the House of Commons is most interested in knowing—namely, the demands grounded upon international law which have been made by the United States' Government respecting these ships, and the answers which have been given to these demands by the Government of this country. I can conceive no question so vital as this; and, at the same time, I am sorry to say, that there is no question at the present day upon which the House of Commons has less information. I would ask hon. Members—I care not on which side of the House—"What do you conceive to be the precise demands made by the United States' Government upon Her Majesty's Government respecting the departure of ships from this country, and what do you conceive to be the attitude taken by the British Government in reply to these demands?" Why, I defy any person, judging from any paper laid before the House of Commons, to state with satisfaction what those demands and those answers have been. And yet, this is the point which the House of Commons wants to know. We do not want to know the construction of the Foreign Enlistment Act, and whether that Act has or has not been violated. That is the business of the Courts of Law, and they will attend to it. But we want to know what is certainly our business. What has Mr. Seward alleged to be an infringement of international law in this matter? Has he said that it is an infringement of international law for armed ships to leave this country, or for unarmed ships to do so if they are subsequently armed? And, if so, what answer has been returned by the Government of this country?

Sir, I will assign one good reason for complaining of the state of doubt in which we have been left upon this point. In the wretched scrap of correspondence which has been laid before the House—the correspondence which is said to have passed during last autumn between the United States' Government and the Government of this country; it ought not to be called a correspondence, for it consists only of three letters, with a great number of claims sent in by the United States' Government—in these papers I find that Earl Russell, on the 27th of March last, wrote a despatch, to be communicated to the American Minister, and in that despatch he said, that he wished the United States' Government to understand that he considered the case of the *Alabama* and the *Oreto* to be a scandal. The hon. Under Secretary of State (Mr. Layard) nods his head in approval of that expression. Now, I can assure the House that I am not going to express the least opinion upon the subject, because I know nothing about the facts relating to the *Alabama*. Of course, I know what she is doing now. That is a matter of notoriety. But what did Earl Russell mean by saying that the case of the *Alabama* and the *Oreto* was a scandal? Did he mean that it was a scandal because, having laws to punish such a case, we did not enforce them? The Under Secretary of State shakes his head at this. Well, then, did Earl Russell mean that it was a scandal that we had no laws to punish such cases? He must have meant one of these two things. I have the disclaimer of the Under Secretary as to the first. [Mr. LAYARD: No!] Oh, then, that shake of the head is withdrawn. It is always dangerous to pin yourself to one horn of a dilemma until you have heard the other. Now, let us suppose that the noble Lord thought the case of the *Alabama* and the *Oreto* was a scandal, because that, having laws to punish, they were not put in force. Then I will ask this question — I know it is true that it is said, and it has been repeated here to-night, that the *Alabama* left this country without there being an opportunity for the Government to seize her as a forfeited ship. But I want to know this. The persons who were concerned in building the *Alabama*, and in sending her out of the country were well known, and they never disputed the fact. I believe that in this House an hon. Member stated the whole circumstances connected with the case, and the names of all the parties concerned. There is no doubt about the facts relating to the *Alabama*, and I want to know this:—Supposing that the ship did leave this country, and that there was not time to seize her as a forfeited ship; yet if the laws of the country were violated, why did not the Government indict the persons who admitted openly that they had sent the *Alabama* out of the country? Remember, if there is a case for seizure there is also a case for an indictment for a misdemeanour. If the noble Earl meant that it was a scandal, because, having laws, those laws were not enforced, I want to know why the Government has not put them into force in place of having these desultory and repeated allusions to the *Alabama* as a case in which some misdemeanour and infraction of the law has been committed.

Now, take the other case of the *Oreto*. That case was mentioned in this House last year. I remember well that the hon. and learned Attorney General stated that the *Oreto* left this country and went to Nassau, and these were his words, "We strained a point." The Attorney General has strained more than one point, as we shall see before all is over. He said on March 27, "To show our good faith to the American Government we strained a point, and we seized the *Oreto* at Nassau, where she was tried and was acquitted." And the Crown brought no appeal against the decision of the Vice Admiralty Court at Nassau, so that the *Oreto* stands a ship pronounced free from any breach of the provisions of the Foreign Enlistment Act. I want, then, to know as to the *Alabama* and the *Oreto*, what it was the noble Earl meant when he said the case was a scandal?

But I have not done with the case of the *Alabama*. It was a most singular coincidence that, on the very day the noble Earl was writing his despatch to the United States' Government, containing those remarkable words, which we may be sure will not be forgotten by our friends across the water, upon that same day the hon. Member for Bradford (Mr. W. E. Forster) in this House appealed to the noble Lord at the head of the Government as to the case of the *Alabama.* The hon. Member stated fairly and ably, as he always does, his views as to the *Alabama*, and he called upon the noble Lord to say that the *Alabama* had been guilty of an infringement of our laws, and to smooth over the matter to the American Government by acknowledging that there had been some remissness which was much to be deplored. Upon the same day that the Secretary of State for Foreign Affairs, writing to the American Government, said the case was a scandal, the noble Lord at the head of the Government, addressing an English audience and the House of Commons, said—

> "I have myself great doubt whether if we had seized the *Alabama* we should not have been liable to considerable damages. It is generally known that she sailed from this country unarmed and not properly fitted out for war, and that she received her armament, equipment, and crew in a foreign port. Therefore, whatever suspicions we may have had—and they were well founded, as it afterwards turned out, as to the intended destination of the vessel, her condition at that time would not have justified her seizure."

That is, to justify her seizure for any infringement of the law. But if there had been no infringement of the law, why was the case a scandal? If there had been any infringement of the law, why were not the persons—whose names were well known —who sent out the vessel, why were they not indicted? Then, as the *Oreto* was tried and acquitted, why is her case a scandal?

Now, let us take the other branch of the dilemma. Did the noble Earl mean that the case was a scandal because we had not a better law to deal with the cases of the *Alabama* and the *Oreto*. Then, I ask, why have not the Government—if such be their opinion—why have they not proposed an alteration of the law? The noble Earl the Foreign Secretary has more than once suggested that the Government might come to this House and propose such an alteration. I ask if it was the opinion of the noble Earl that this case was a scandal to our laws, because we had no law to meet it, why, as he remained in the Government, did he not propose an alteration of the law? Then, again, we have upon the very same day a declaration from the noble Lord at the head of the Government. While the noble Earl was sending off his despatch to the Government of the United States, the noble Lord said in this House, as to any alteration of our law—

> "I do hope and trust that the people and Government of the United States will believe tha we are doing our best in every case to execute that law; but they must not imagine that any cry which may be raised will induce us to come down to this House with a proposal to alter the law. We have had—I have had—some experience of what any attempt of that sort may be expected to lead to, and I think there are several gentlemen sitting on this bench who would not be disposed, if I were so inclined myself, to concur in any such proposition."

That, I think, was a sensible view, and I can only wonder at and want an explanation of the despatch to our good friends across the water, leading to the belief that the opinion of our Government was wholly different. I must say another word as to this. We are told that these words of the noble Earl—and very strong words they were for a Minister to use—were referred to elsewhere, and the noble Earl was asked to explain them. The noble Earl explained them in this way. He said, in substance, "I adhere to the opinion, and my reason is this—How can you describe in any other words an Act of Parliament as to which the chief of one of our courts of law has said, 'You might sail a fleet of ships through it?'" That explanation again will go across the water, and will be read by our friends on the other side of the Atlantic, who will find it asserted that the chief of one of our courts has declared of the Foreign Enlistment Act that a fleet of ships might be sailed through it. Will the House believe it possible that the noble Earl could have fallen into the error I am going to expose? What that very eminent and learned person said was this—

> "If I were to adopt the construction which the Crown desires to put upon the Foreign Enlistment Act, which I do not adopt, which I reprobate as false and erroneous, then, indeed, you might not drive a coach and six, but might sail a fleet of ships through the Act of Parliament."

Now, I think I have shown sufficient reason why the House of Commons should be anxious to have a full statement not merely from American reports and publications, but a full statement from our own Ministers of the correspondence which has passed between the British Government and the Government of the United States.

I now come to the second portion of the papers which have been moved for—the correspondence between the different departments of the Government and the Messrs. Laird, who are said to have been the builders of these ships. I wish to repeat most emphatically, that I will endeavour not to say one word which can by any possibility verge upon whatever may be the merits of the case to be tried between the Government and the persons connected with these ships. I agree that nothing should be said in this House to prejudice the pending case, but I wish the Government had followed a similar course. I cannot help reminding the House, as it has been referred to prominently by the Attorney General, of what the Government have been doing all the time these ships have been detained or under seizure. The Attorney General, as I understand his views, says that nothing must be said to prejudice the case of the Government, but anything that will prejudice the case of the individuals with whom the Government are in litigation is fair and right, and all the more fair and right if it comes from a Member of the Government. Let us take as a specimen a speech of the Foreign Secretary to the people of Blairgowrie, which we may presume is correct, as the American Minister has reported it to his Government, observing that the altered tone of Lord Russell greatly pleased him. Now, what was the new tone which so delighted the American Minister? Upon the 9th of September these rams were seized. [The ATTORNEY GENERAL: Detained!] Yes; detained. The correction is important. They were detained on the 9th or 10th of September. About a fortnight or three weeks afterwards, addressing a select audience, who, no doubt, were most competent judges upon these matters, the noble Earl treated them to his views upon the Foreign Enlistment Act. He said—

> "There are other matters with regard to ships that have lately been prepared within this country, because these ships are not like ships that receive the usual equipment, they are not like vessels you sent in former times of war, but are in themselves, without any further armament, formed for acts of offence and war; they are steam rams, which might be used for purposes of war, without ever touching the shore of a Confederate port."

The good people of Blairgowrie, no doubt, attached a different meaning to the word "rams." The noble Earl went on to say—

> "Well, gentlemen, to permit ships of this kind knowingly to depart from this country, not to enter into a Confederate port, not to enter the ports of a belligerent, would, as you see, expose our good faith to great suspicion."

I wish the House to remember what was the condition of affairs at that time. Messrs. Laird were the builders of these ships. They were said to have been built for a foreigner, M. Bravay of Paris, and the allegation was that that statement was incorrect, and that, instead of being built for M. Bravay, there were intended for the Confederate Government. That was a matter to be proved by proper evidence. While the question is in this state, the noble Foreign Secretary thinks it is not prejudiced by his going to a select audience of his own choosing and telling them that it is quite clear that these rams were intended for the Confederate Government. And the American Minister says, "This is the true tone!"

But now I come to my hon. and learned Friend the Attorney General. He, following the example of the noble Earl, addressed his constituents, and what did he tell them?—

> "On the other hand, he hoped and believed that the people of the country at large would not be inclined to identify themselves in feeling with those merchants of ours who seemed to think that they were bound by no obligation to our laws at all."

No doubt, if such an expression had fallen from the hon. Member who sits below the gangway it might not have been of the slightest consequence. No importance would have been attached to it; but it is very different when it falls from the first Law Officer of the Crown, who is charged with the prosecution of such offences—

> "He hoped and believed that the people of the country at large would not be inclined to identify themselves in feeling with those merchants of ours who seemed to think that they were bound by no obligation to our laws at all, and that it was perfectly fair for them if they chose to carry on an unlawful trade with a belligerent Power, while at the same time they knew that Government were anxious for the sake of the nation to preserve a strict neutrality."

Who were referred to? Of course, I must pay the Government the compliment of saying, that if there were any merchants evincing a total disregard to the law they would have prosecuted them. Therefore, this could only refer to the cases *sub judice*—the *Alexandra* and the steam rams, and yet we have the first Law Officer of the Crown going down to his constituents, and saying, before the cases were tried, that the defendants in these cases had clearly violated the law. But this is not all, because we find the President of the Board of Trade also followed suit. He went down to Ashton and addressed his constituents, and I must say he went deeper into the subject than either of those who preceded him. He told the people of Ashton—

> "I don't know whether any gentleman here has taken the trouble to read the legal arguments

> upon this question; but really I confess, for one, that I am unable to understand much of what has been said upon the subject. I am told that you may sail a fleet of ships through the Foreign Enlistment Act. It may be so; but I will undertake to say that I will sail another fleet of ships through the construction which any of the lawyers has hitherto put upon that Act. Common sense tells me that the Confederate Government are the parties who have, directly or indirectly, caused these ships to be built in this country, and that in so doing they entered upon a deliberate course of violating and evading the laws of England. I am no lawyer, but that is my construction, and I do not think you can sail a fleet of ships through that."

Yes; the laws of England, which the right hon. Gentleman says he does not understand—he nevertheless maintains have been violated—the common sense which does not enable him to understand the law does enable him to say that these parties had entered on a deliberate course of violating the laws of England.

> "I am no lawyer, but that is my construction, and I don't think you can sail a fleet of ships through it."

That was followed by great laughter. Well but this is not, after all, a matter for drollery. Suppose this were a question of life; suppose a prisoner waiting his trial on a Government prosecution for high treason, and suppose the Attorney General, a Secretary of State, and another Cabinet Minister, went about addressing their constituents, and saying, "Dont talk about the law—never mind that; there are, no doubt, forms of law to be gone through—but it is as certain as the sun shines the man is guilty." The Attorney General deprecated any word which might drop from any speaker that might prejudice the case of the Crown; but he talked much of doing to others what you would desire others to do to you, and then he said, You talk of papers laid before Congress, another paper was laid before another Congress, and he read a paper said to be signed by the Under Secretary of the Confederate Government, stating something about ironclad vessels being built in England, and connecting them with the rams in the Mersey. And he said, as matter of fact, there could be no doubt these rams were intended for the Confederate Government. Now, that is the very point *sub judice*. But does the Attorney General not know—what I suppose every other Member but himself knows—that a gentleman, as I am informed, of high position in the Confederate States has written a letter to the newspapers, in which, referring to the paper which the Attorney General read to-night, and which was also published in the newspapers, he has declared it to be a gross forgery? But so the fact is; such a statement has been made, and made as publicly as the other document, and the person who has made that statement has added, that any one conversant with the manner in which documents are laid before Congress would know that it was not usual for documents in that shape or form to be laid before Congress.

Now, I want to state precisely the objects for which, I think, this second class of documents, the correspondence between the Government and the Messrs. Laird, ought to be produced. It is not for the purpose of affecting the merits of the case, either as against the Crown or the Messrs. Laird, that I support their production. It is for the purpose of seeing what course was taken by the Government anterior to the seizure of these vessels, a course which raises constitutional questions of as great importance—I say so deliberately—as were ever brought before this House. I speak with full consciousness of the gravity of the expressions I use when I charge the Government—let there be no mistake—I charge the Government with having done, and after hearing the Attorney General to-night, I say having done on their own confession, what was illegal and unconstitutional, without law, without justification, and without excuse. We are told, not by documents laid on the table—we have had to search as we best could for documents elsewhere—we are told that on the 31st of August, Earl Russell answered a memorial presented to him by four representatives of the Peace Society, who asked him to detain these rams in the Mersey. I will read to the House the material parts of that reply—

> "Gentlemen,—I have received your letter, calling my attention to a subject of very grave and pressing importance—namely, the fitting out and equipping of two powerful iron-plated steam rams, which you are informed are intended to commit hostilities against the Government and people of the United States of America. My attention has long been directed to this subject. Both the Treasury and the Home Department have, at my request, made the most anxious inquiries upon the subject of these steam rams. You are aware that, by the Foreign Enlistment Act, a ship is liable to be detained, and its owners are subject to penalties, when the ship is armed or equipped for purposes of war, and its owners intend to use it against some State or community in friendship with Her Majesty. It is necessary to prove both the equipment and the intention.

But in order to prove the equipment and the intention it is necessary, for conviction in a British Court of Justice, to have the evidence of credible witnesses. I was in hopes, when I began to read your memorial, that you would propose to furnish me with evidence to prove that the steam rams in question were intended to carry on hostilities against the Government and people of the United States of America; but you make no proposal of the sort, and only tell me that you 'are informed' so and so, and 'it is believed' so and so. You must be aware, however, that, according to British law, prosecutions cannot be set on foot upon the ground of the violation of the Foreign Enlistment Act without affidavits of credible witnesses, as in other cases of important misdemeanours and crimes. Such, likewise, is the law in the United States of America."

That was on the 31st of August. On the 1st of September the noble Lord wrote to Mr. Adams, and said this—

"In the first place, Her Majesty's Government are advised that the information contained in the depositions is in a great measure mere hearsay evidence, and generally that is not such as to show the intent or purpose necessary to make the building or fitting out of these vessels illegal under the Foreign Enlistment Act. Secondly, it has been stated to Her Majesty's Government at one time that these vessels have been built for Frenchmen, and at another that they belonged to the Viceroy of Egypt, and that they were not intended for the so-called Confederate States. It is true that in your letter of the 25th of July you maintain that this statement as regards French ownership is a pretence, but the inquiries set on foot by Her Majesty's Government have failed to show that it is without foundation. Whatever suspicion may be entertained by the United States' Consul at Liverpool as to the ultimate destination of these vessels, the fact remains that M. Bravay, a French merchant residing at Paris, who is represented to be the person upon whose orders these ships have been built, has personally appeared, and has acted in that character at Liverpool. There is no legal evidence against M. Bravay's claim, nor anything to affect him with any illegal act or purpose; and the responsible agent of the Customs at Liverpool affirms his belief that these vessels have not been built for the Confederates. Under these circumstances, and having regard to the entire insufficiency of the depositions to prove any infraction of the law, Her Majesty's Government are advised that they cannot interfere in any way with these vessels."

That was the conclusion of the noble Lord on the 1st of September, that having regard to the entire insufficiency of the depositions to prove any infraction of the law, Her Majesty's Government were advised that they could not interfere in any way with these vessels, either by seizure or in any other manner.

Well, the next step was this:—The noble Lord has stated elsewhere that on the 3rd of September, the next day but one, he had made up his mind to detain the rams, and that he wrote a private letter to the noble Lord at the head of the Government, stating that he had given orders for their detention. Facts of an important description, which, of course, he was not in any way obliged to mention — and I quite agree that it would be wrong for him to mention them—but important facts came to the knowledge of the Government between the 1st and 3rd of September, which led to their entirely changing their intention, and resolving to take proceedings against the rams. At some future time we may perhaps hear what these facts are which, in so brief an interval, came within their cognizance. But what we find was this:—The noble Lord determines to detain the ships on the 3rd of September; and I cannot help thinking there were very just grounds for the question of my hon. Friend the Member for Horsham (Mr. Seymour Fitzgerald), if you had determined on that day even to detain these rams, do you think it was fair, candid, and above-board for you to write to the Messrs. Laird on the 14th of September a letter which—even granting that they invited it, and that it was in consequence of some statement they made—was entirely calculated to mislead them as to your views and intentions? For what does that letter amount to but this, "We understand you to be good enough to say, that although you will not volunteer the information, yet if you are asked officially for whom you are building these ships you will tell. Be good enough, then, to let the Foreign Secretary know for whom they are being built?" And, accordingly, on the 5th of September the Messrs. Laird unsuspectingly say that "the Messrs. Bravay allow us to send you their name." Yet all the while the Foreign Secretary, in concert with the noble Lord at the head of the Government, had resolved to take that step which he never breathed to the Messrs. Laird, and which he never communicated to them till the 9th of September. Well, on the 9th of that month, this letter was written to those gentlemen, and I ask the House to reconcile it if they can—I confess I cannot—with the statement we have heard as to the important information which arrived between the 1st and the 3rd of September, and which made the Government change their views. It is written by the Secretary of the Treasury to the Messrs. Laird, and runs thus—

"Gentlemen,—I am desired by my Lords Commissioners of Her Majesty's Treasury to acquaint you that their Lordships have felt it their duty to issue orders to the Commissioners of Customs that the two iron-clad steamers now in course of completion in your dock, at Birkenhead, are not to be permitted to leave the Mersey until satisfactory evidence can be given of their destination, or, at least, till the inquiries which are now being prosecuted to obtain such evidence shall have been brought to a conclusion. " G. A. HAMILTON.

" Messrs. Laird, Brothers."

Well, but if all the facts had come to the knowledge of the Government—

THE ATTORNEY GENERAL: I said that "some information" had been received.

SIR HUGH CAIRNS: Well, then, let it be "some information;" this information, according to the Attorney General, entirely changed the views of the Government, and produced a conversion as sudden as anything we have heard of in history. Remember, I am willing to attribute the conversion to this information; and not to the force of Mr. Adams's letter. I take the statement of the Government by their organ in this House to-night—that "important facts"—"some" facts if you like —had come to their knowledge, between the 1st and 3rd of September, which satisfied them as to the destination of these rams. But, if that were so, how came you, on the 9th, to write, as regards the detention of the rams, that your intention was to keep them "till the inquiries which are now being prosecuted to obtain such evidence shall have been brought to a conclusion?" But so it was, and then the detention of the rams took place. The detention occurred on the 9th of September, and the seizure on the 9th of October, exactly one month afterwards. It is said also that during this time the detention had this operation, that the Messrs. Laird were not allowed to take the ships out of their dock on a trial trip, although they gave their personal undertaking to bring them back again after the trial trip was over. It is said, I know not how truly, that that permission was first given by the Government and then withdrawn; but I do not care about that, or about the case of the Messrs. Laird. I beg the House to dissever this matter from the case of individuals. It may, or it may not, have been more or less irksome to the Messrs. Laird, but I ask the House to look to the grave constitutional question involved. I demand to know from the Government—for we have not been told yet—what was their authority for detaining those rams on the 9th of September. Does the Attorney General say there was law for it? No; there is none. Does he say there is constitutional practice for it? No; there is none. But what he says—and I commend his answer to the House for their edification—is this:—"We violated the law in order to vindicate the law." For he says, "There was no reason to seize—there was no evidence—nothing had been done which gave us that right; but we remembered what we thought had occurred in other cases—we remembered that ships had been expeditiously fitted out and sent from this country, and we had been unable to stop them; we were determined that that should not occur again." And, therefore, while no crime had been committed ["Oh!"]—why, if a crime had been committed, you had a right actually to seize—but while no crime had been committed, while no evidence was obtained, while the Government were afraid to seize the ships, they detained them, in order that, it might be in the course of weeks or of months, they might procure their evidence, and make out their case.

Now, I will take the Attorney General's own analogy. He asks, "What do you do with a person accused of committing a crime? You take him before a magistrate, who receives certain evidence and may remand him for a certain time that more evidence may be obtained." The Attorney General forgot that here there is a seizure. The seizure is the arrest. The moment you arrest a man, which the law allows you to do, on a charge of felony or misdemeanour, you act strictly within the law. The moment you arrest him you have made the seizure, and the law also says in the interests of justice that the magistrate may remand him within certain limits, and for a certain time while evidence is being produced; and, moreover, there are safeguards in the *habeas corpus* against the abuse of authority there. But that is not the case here. You say, indeed, that you acted on your responsibility. Is not that the same wretched pretence which from the worst days of despotism downwards has always justified the acts of the executive Government? Has not every breach of law committed by the Executive been done on their own responsibility? Were not general warrants issued on the responsibility of the Government? It is no answer to say that the individual may have his action for damages where there has been a breach of the law. If I remember rightly, the persons who were arrested under general warrants had rights of action and recovered damages. Yet, although that was so, although the Government said they had acted for the safety of the State, and on their own responsibility, the House of Commons solemnly pronounced the sentence that general warrants were illegal and unconstitutional. And I say again, that what was done in regard to these steam rams at Liverpool was as illegal and unconstitutional as any act ever committed by the executive Government since the time of which I have spoken. Well, it has been suggested on behalf of the Government, that after all a seizure and a detention are not very different—that seizure is the greater and detention the less—that there was no greater interference with the Messrs. Laird and the enjoyment of their property by the one than by the other. I care nothing about what the exact amount of that interference may have been, but I do want to know from the Government, and I hope we shall have this question plainly answered before this debate is over —I want to know whether the Government really mean to claim the right to detain ships building all round the various ports of England, on the request of the American Government, until inquiry shall have been made, or until the shipbuilder, having the onus cast upon him, shall discharge it —the onus of showing the destination of the ship? If that is the claim of the Government let us hear it, and we shall know how to deal with it. If that is not their claim, how do they justify the detention of the ships in the Mersey? If they were right in September in detaining these vessels for a month, they will be right anywhere in England in detaining any ship merely on suspicion.

But is it the fact that detention is less injurious than seizure? It requires no great skill to answer that question. If the Government seize the ship they do the very thing that an Act of Parliament authorizes—they commit no aggression on the law; and, moreover, the person whose ship is seized has a right to drive on the Government—to make them continue the proceedings in a court and bring the ship to trial, and then it will be declared whether or not he is an offender against the law. But if you detain the ship, how can the owner bring the case to trial? I want to know from the Government, and I trust that the House of Commons will demand from them, an answer to this—How long do they claim a right to detain a ship? Do you claim it for one month, for two, for three, for six, or for twelve months? If you do not, where do you draw your line? What right have you to detain her for one month if you cannot detain her for twelve? Sir, I cannot help contrasting the course taken by the Government in September, 1863, with some words which fell from the noble Lord the First Minister on the 27th of March, 1863. Speaking in this House on that occasion the noble Lord said—

> "Her Majesty's Government will continue, as I maintain they have done hitherto, to enforce the law, whenever a case shall be brought before them in which they can safely act upon good and sufficient grounds; there must, however, be a deposition upon oath, and that deposition must be made upon facts that will stand examination before a Court of Law; for to call upon us arbitrarily and capriciously to seize vessels with respect to which no convincing evidence can afterwards be adduced, is to ask the Government to adopt a course which would cast discredit upon them, and lead to much subsequent difficulty and embarrassment."

If you cannot capriciously seize a ship, what is that to be called which is the detention of a ship without cause for seizure, in order that you may, if it may be, obtain a case for seizure? On the same day, the 27th of March, the Attorney General, then Solicitor General, laid down some very good constitutional law, which I am afraid he has forgotten. He said—

> "The United States' Government have no right to complain of the Act in question—the Foreign Enlistment Act is enforced in the way in which English laws are usually enforced against English subjects"—

Now, where is your English law which authorizes you against an English subject to detain property under such circumstances?

> "On evidence, and not on suspicion; on satisfactory testimony, and not on the mere accusations of a Foreign Minister or his agents."

And the hon. and learned Gentleman went on to say—

> "I might, perhaps, understand such a complaint if grounded on some such theory as this:—That because the safeguards of liberty have been suspended under circumstances of civil war in the United States, therefore, that they should be suspended in this country too, and the officers of our Government should do illegal acts and violate the law on mere accusation and suspicion."

Six months have not passed over before the hon. and learned Gentleman—advising, as I suppose, the Government—was guilty of the very offence which he reprobated then, when he said that it was unjustifiable in the United States to ask us to imitate their conduct. There is another matter connected with this which is of great importance, and to which I invite the attention of the right hon. Gentleman the Chancellor of the Exchequer. The House is aware that very large and extensive demands have been made by the Government of the United States against this country for injuries occasioned by the *Alabama*. These demands were made during the whole of last year, and now amount to a sum which I am afraid to mention. Last year I heard the Government on more than one occasion defend themselves against these claims, and I thought on very good grounds. I thought that the claims were most unfounded. I thought there was no pretence for alleging them. I accepted the defence of the Government. But what was that defence? The defence of the Government was this:—"You complain of the *Alabama*. Well; assume for a moment that at the time of her departure from England she had been guilty of a violation of the Foreign Enlistment Act, which we think doubtful; but, assume that she had, she was built under such circumstances, and with such speed, that no reasonable diligence on our part could have prevented her leaving." But, said the American Minister, "Oh, yes; but I told you a considerable time before—I told you many weeks before—the reason that we had for suspecting her destination; and I gave you statements—some of them upon oath, and some not upon oath—which made it impossible but that any one should at all events feel a doubt whether that was not her destination." "Yes," said the Government, "but we have no law which enables us to interpose in a case of that kind. We cannot detain a ship—we cannot act upon suspicion. If you show us a case which enables us to seize, then we can seize and abide by the consequences, because the law enables us to do that; but the law does not enable us to do what your American law may do," and I believe does—"it does not enable us to detain a ship merely on circumstances of suspicion, in order to make inquiry. Therefore," said the Government to the United States last year, "your claims with regard to the *Alabama* are unfounded; for we did all that the law and constitution of the country allow us to do." But what becomes of that now? What will you say to the American Minister now? Do not you suppose that the American Minister will come to you and say, "You told me last year that unless you had a case for seizure, and proof by proper evidence, you could not arrest a ship at all—that you could not detain her. Although you admitted that the facts I brought before you created very great suspicion, you said that you could not seize the *Alabama*; therefore, you could not touch her. But look at what you did in September. For a whole month you detained these steam rams in the Mersey while, according to your own words, you were collecting evidence and endeavouring to see whether your suspicions were well founded." Now, I do not accept that view of the case. I do not accept the view that the Government were justified in what they did; but I maintain that when the United States hold this language, either our Government must contend that what they did in September was unconstitutional, or they ought to have done the same with regard to the *Alabama*, and are liable.

Now, I have only a few words more to say with regard to the course which was taken after the seizure, and again I will not say a word as to the merits of the case, of which I know nothing. What was the course the Government took? On the 9th of October they seized these rams. The House are tolerably aware that the next step to be taken is one almost of form—at all events, a very few days suffices if they have, as the Government say they had at the time of the seizure, a full knowledge of the case—the next step is to file an information in the Exchequer; but I am sorry to say that the law of the country is such, because it was a law made to deal with seizures of bales of tobacco and things of little value, that the Crown cannot be actually driven to take a step in the Court of Exchequer for twelve months. In a case of this sort, however, where the property was of the value of nearly a quarter of a million of money—something like that amount has, I am informed, been expended on these ships—surely it was the duty of the Government, when they did seize the ships, to use promptitude and despatch to bring the case to trial. Well, now, will the House believe it, that from the 9th of October until the 8th of February, which is exactly four months, not a single step was taken, no information was filed in the Exchequer, and I do not think I am going too far when I say, that if this House had not assembled a very few days before that time the information would not have been filed to this day? But that is not all. What was done with the ships in the mean time? We saw from the ordinary sources of information that they were taken out of the dock and laid up in the Mersey under the charge of the Government. Now, if a quarter of a million of money has been expended on these ships, I ask the House to consider what the loss per month must be to the persons who have laid out that sum. I do not suppose that it is an inordinate estimate to treat money in commerce as worth 10 per cent, and at that rate you will get a loss of something like £2,000 a month, in addition to the inconvenience, which cannot be exaggerated in mercantile affairs, of what is called "Lying out of the money." I suppose I am not going too far in saying that if any but a large and well-established house with great resources had been subjected to an occurrence of this kind, it must have occasioned its ruin. But is that all? We have had another confession from the Government to-night. While the ships are under detention, be it observed, after the Government have put their embargo upon them, when they will not let them go out for a trial trip, when they have announced that they are getting up evidence to make a case for the seizure and forfeit of the ships if they can, they send down an officer of the Admiralty to deal with the owners for the sale of their ships. I was quite amused at the manner in which the Attorney General dealt with this. He said, "Well, it was a very kind thing, a very humane thing. The Government did not wish to push the owners to extremity. They thought there might be difficulties, and it would be as well if they paid the money to the owners for the ships." I want the Attorney General to tell me what does he think of dealing with a man round whose neck the Government has got the fangs and talons of the revenue officers. The hon. and learned Gentleman is accustomed to deal with what are called questions of equity in contracts and bargains of this kind. Is it his idea that it is a fair thing for a Government to use, not a process of law, for there was no process of law used or that could be used, but to use the strong, violent, and unconstitutional hand of the Executive to detain these ships, to tell those who had built them that the Government were getting up a case to confiscate them, and then while that is being done to send down an agent of the Admiralty to treat? "To treat!" Is it not a mockery? Is not that word a mockery? Was that fair dealing? Was that a seller and buyer at arm's length, and on an even footing? The Government with its hands upon the ships, the Government asserting that the day was coming when the ships would be forfeited, and then going and saying to the builder, "Come now, sell us these ships; let us buy them of you." But what is the climax? The climax is this. The month of February comes at last. Parliament meets, and the information can no longer be delayed. It must be filed, and then we have the last letter from the Treasury to Messrs. Laird, which I hope the House will have printed for its perusal in the papers about to be produced. It begins with another piece of mockery, for it is headed "Immediate." After four months the Treasury woke up and said—

> "(Immediate).
>
> "Treasury Chambers, Feb. 8, 1864.
>
> "Gentlemen,—In reply to your letter of the 3rd inst., I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you that they are informed that an information in the case of the iron-clad vessels built by you, and now under seizure by Her Majesty's Government, will be filed in a few days, and that it may be necessary to send a commission abroad for the purpose of collecting evidence.
>
> "GEO. A. HAMILTON.
>
> "Messrs. Laird Brothers."

Collecting evidence! The seizure, according to the Government, could only be made upon evidence, and four months after the seizure the Government are going to collect evidence abroad. Sir, we have not got many papers from the Government this year, but I trust that the House will insist upon the production of these.

THE SOLICITOR GENERAL: Sir, I am happy to agree with my hon. and learned Friend in one or two of the propositions which he laid down. He stated that the latter class of papers, the production of which is required, would not affect the trial of this case, and would not, indeed, be evidence in it. I agree with him. He also said that it was proper that the House should know the tone of the correspondence between the American Government and our own. I agree with him. The House has a right to know that, and the papers will be produced. I therefore cannot help thinking that my learned Friend might have saved a great portion of his argument which referred to the production of those papers, knowing very well before he got up that it was the intention of the Government to produce them. He went on to give the House his opinion as counsel for Mr. Laird.—[Sir HUGH CAIRNS dissented.]—Why, we all know that.

SIR HUGH CAIRNS: I beg to say that my learned Friend knows nothing at all on the subject.

THE SOLICITOR GENERAL: He was in the case at all events.

SIR HUGH CAIRNS: Never.

THE SOLICITOR GENERAL: My learned Friend, I am sure, will forgive me if I was under a misapprehension, but my hon. and learned Friend appeared in the last case of the *Alexandra*, and I certainly supposed from the tenour of his address, a good part of which appeared to me in some measure calculated for a jury, that it was a rehearsal of the speech which he intended hereafter to deliver in the case. He gave his opinion, whatever it may be worth—and I do not at all wish to detract from the value of that opinion—that the production of the first class of documents, namely, the correspondence between the Government and Messrs. Laird, would not in any degree affect the trial. The House will do my hon. and learned Friend the Attorney General, upon whom the responsibility of this prosecution rests, and myself the justice to suppose, that it is not one which we should have undertaken lightly or hastily. The Attorney General is of opinion that the production of this correspondence would tend to prejudice the case. The distinction between the two kinds of correspondence is, that one is admissible as evidence in a court of justice, and the other is not. Now, we all know that the production of only one portion of a case may lead to an utterly wrong and unfounded conclusion, and that if we desire to form an opinion according to the evidence, we ought to have the whole of that evidence before us. If the correspondence written, of course, under advice by Mr. Laird and the answers of the Crown be produced, without any explanation of the circumstances under which those letters were written, or the information obtained which induced us to write in those terms, it would be impossible for any one reading the correspondence to come to a right conclusion. If the House should think that we have improperly instituted this prosecution, and that Her Majesty's Government ought not to be intrusted with the powers they possess, it is proper for the House to say so. But I ask the House, if we are permitted to conduct this prosecution, to allow us to conduct it in the same way as all other Government prosecutions are conducted. I never remember hearing of a case, and I do not believe there is an instance, in which a Government conducting a prosecution has been called on to produce to the House of Commons before the trial, a correspondence which is to form a portion of the evidence for the prosecution.

As my hon. and learned Friend expressed a desire not to prejudice the trial, or at all to discuss the merits of the case on this occasion, I might have been satisfied with that answer, which is all that applies to the particular Motion before the House; but the debate has travelled much further afield. The noble Lord the Member for Stamford (Lord Robert Cecil) and other Members of this House have accused the Government of pusillanimity, of acting under the dictation of the American Government, and of sacrificing the honour of this country. It appears to me that nothing more vitally concerns the honour of this country than the strict and scrupulous observance, now that we are neutrals, of those rules which we laid down when we were belligerents. And if there be any rule of international law on which we have insisted more strongly than another, it is that neutrals should not be permitted to supply ships of war to belligerents. Allow me to call attention to the position we have taken on this subject; for I cannot conceive anything more disgraceful, or more calculated to lower this country in the eyes of the world, than the reproach, assuming it to be well founded, "Your rules of international law are elastic, contracting or expanding, according to your temporary interest. You lay down a law as belligerents which you will not, as neutrals, submit to." As long ago as 1793 we emphatically insisted that the American Government should not supply France, with whom we were then engaged in hostilities, with vessels of war. We required them to detain those vessels, and Washington did detain them, before any Foreign Enlistment Act was passed. Washington not only detained the vessels at our instance, but he proposed and carried in Congress the American Foreign Enlistment Act, as his enemies then said, at our dictation. Precisely the same attacks which are now directed against Her Majesty's Government in this House were then directed against Washington in Congress. There were members of Congress who said that he was truckling to England, and allowing the English Ambassador to dictate to him; they lamented the humiliation of their country, and declared that the stars and stripes had been dragged in the dust. But that great man despised the imputation of cowardice, he was strong enough not to fear to be thought afraid, and in spite of clamour—for there will always be violent and excitable men in all popular assemblies—Washington pursued the course which he knew to be just, and at the same time best calculated for the interest and welfare of his own country; he passed the Foreign Enlistment Act, and a treaty was subsequently entered into, stipulating among other things for the restoration of prizes captured by vessels that were fitted out in American ports. I will not say, whether we have any grievances against the Federals or not; no doubt, irritating language has been used; no doubt, the press in America at times has been very offensive; and objectionable expressions have been used at times by public men. But I wish to impress upon the House that, as far as the enforcement of their Foreign Enlistment Act is concerned, we have absolutely no grievance against them. They have again and again restored prizes, captured in violation of that Act. As recently as the Russian war, in a case where we complained that a vessel, called the *Maury*, was fitted out in violation of the Foreign Enlistment Act, they immediately detained that vessel, her clearance was stopped, and an inquiry was subsequently directed—precisely the same course as that pursued by Her Majesty's Government in this case—and that inquiry, conducted entirely to our satisfaction, ended in our expressing a belief that there were no real grounds for the suspicions entertained.

In the interests of peace and amity between the two countries, therefore, I wish the House to understand that we have no grievance against them with regard to the Foreign Enlistment Act, and that it deeply concerns our honour to enforce the Foreign Enlistment Act. But can we doubt that it also concerns our interests? I do not desire to reflect on any Gentleman entertaining Confederate sympathies. I can quite enter into those sympathies. It is in keeping with the generosity of the English character that we should forget that the Southern party were at one time most bitter in their hostility to this country; that we should even lay aside for a time our abhorrence of slavery, and view the Confederates only as a brave people, maintaining an unequal struggle for their independence. Our sympathies are always on the side of the weak against the strong—on the side of those who are struggling for independence, against those who are struggling for conquest. But I think we should be doing very wrong if we allowed our sympathies to blind us to the interests of our own country. Why do the Federals insist that neutral nations shall not be permitted to supply the Confederates with vessels of war? Why, because they are the stronger maritime Power. And why would it be for our interest to insist upon the same rule against all the world? Because we are the strongest maritime Power. And are we now to promulgate the opposite doctrine—the doctrine that a weak Power is to be put on a footing of equality with us by using the ports of neutral States for the purpose of fitting out vessels of war? That would be a doctrine hailed with delight by the enemies of this country all over the world, because it would go to the very foundations of our maritime supremacy. Suppose, unhappily, we were at war with the United States—a consummation, I suppose, which no man desires, although speeches in this House sometimes seem to have that tendency—and we had blockaded all their ports, should we permit steam rams to issue from the ports of France? That is a question which I desire to have answered. Would my hon. and learned Friend, if he were the adviser of the Government, be imposed upon by representations that those vessels were intended for the Pasha of Egypt, or for the Danish Government? He would very properly decline to be duped by any such assertions. We have done that which we should expect others to do for us, and we have done no more. What, then, was the conduct of the Government which has been made the subject of such invective by my hon. and learned Friend. Circumstances came to the knowledge of the Government which excited grave suspicion as to the destination of the rams. On the Messrs. Laird volunteering to give information on the subject, the Government intimated their readiness to receive it. Well, information was given, but I confess it was not satisfactory to the Government, and, so far from removing, it increased their suspicion. The Government had the depositions of sworn witnesses which confirmed those suspicions, and they felt it to be their duty to seize or detain the ships. The hon. and learned Gentleman has found fault with them because they took the milder instead of the more severe course; because, instead of actually seizing them, they give notice that they would be seized if they attempted to depart. The House will bear in mind that it was not necessary, in order to justify the seizure, that the evidence should be sufficient to satisfy a jury; it was enough that the Government had a *primâ facie* case such as would induce a magistrate to remand a prisoner. The Government had in their possession depositions on oath, which, to a certain extent, made out a case. The Government determined to make inquiries whether these vessels were really being made for M. Bravay or other parties. They offered to take these persons at their word, and they said, "Will you sell these vessels?" If they were really being made for these gentlemen, if the speculation was really a commercial one, they would have been too glad to accept the offer. But the parties concerned would not sell them. Could any human being doubt that they were intended for the service of the Confederates? My hon. and learned Friend finds fault with the Attorney General and other Members of Her Majesty's Government for stating their belief that these vessels were intended for the Confederate States. If they had not entertained that belief, they would have done very wrong in seizing them. Of course, we entertained that belief, or we should have been guilty of taking an unjust course. Has any gentleman on the other side expressed a contrary opinion during all this vituperation and all these attacks on Her Majesty's Government? Nobody doubts they were intended for the Confederate service, and not for a French gentleman or the Pasha of Egypt. What was the Pasha of Egypt to the shipbuilders, or they to the Pasha? Then, what was the use of disguising a belief that was entertained by the whole country? It would only be a mockery—it would only be trifling with the House to pretend that the Government did not entertain that belief. [An hon. MEMBER: That was not enough.] I quite agree that if it were notorious that the vessels were intended for the Confederate service, but if no evidence could be procured, the ships must be acquitted. It would be better that any number of ships should leave our ports for the Confederate service than the rules of law should be violated.

We must prove our case, but the House will not expect me now to say what our case is. We believe the evidence we shall produce will be sufficient; if we are wrong, the jury will do justice between the Crown and the subject. My hon. and learned Friend endeavoured to fix the noble Lord at the head of the Foreign Office on the horns of a dilemma, in regard to what he said about the *Alabama.* But this, like many other dilemmas, has three thorns, and might more correctly be called a trilemma. What the noble Lord meant, in saying that the case of the *Alabama* was a scandal, was, that in the opinion of the Law Officers of the Crown, the vessel ought to have been stopped before she left Liverpool. That opinion was given just before the vessel got away by stratagem. A telegram was sent down to stop the *Alabama*, but she had gone away that morning on a pleasure trip, and she had not returned. When a notorious criminal escapes from justice it is said "that is a scandal to the law," and that was about all that the noble Lord meant. The House will believe me when I say that, in dealing with new and difficult questions for which precedents cannot be found in the books, the Attorney General and myself have followed the lights of the highest authorities in Europe and America, whose decisions on these subjects command respect. I shall not have the presumption to say that we have always been right. But this I will say, that we have endeavoured to pursue the straight path, turning neither to the right hand nor to the left, showing no sympathy for the weaker nor fear for the stronger, and suffering no indignity from either. When our territorial rights were infringed, as in the case of the *Chesapeake*, we applied for and obtained redress. We have done the same in other cases, and in the case of the *Saxon*, where a murder was committed, we lost no time in demanding that the murderer should be put upon his trial. But it is only just to act towards the American Government as we should ask them to act to us if our positions were reversed. We have endeavoured to do as we would be done by, and I venture to say, that in taking that course we have best consulted the interests and the honour of this country.

MR. WALPOLE: Sir, if it were not for some observations made by the Solicitor General, in which I cannot concur, but which upon reflection I think he will see reason to qualify, I should not venture to trespass on the attention of the House after the great and constitutional speech which we have heard from my hon. and learned Friend (Sir Hugh Cairns). I believe that since the days of Sir William Grant and Sir James Macintosh, a greater speech has not been made on questions of international and constitutional law. And I venture to remind my hon. and learned Friend the Solicitor General, that to the points of the speech for which my hon. and learned Friend below me asked for an answer, no answer has been given. The Solicitor General rests the whole of his argument on these two propositions—that we ought to do to America, as we would have America do to us. That no one disputes. The other argument is that we, being neutrals now, ought to act as we expected neutrals to act to us when we were at war. In both these propositions I cordially agree; but I would ask him whether, by the doctrine he has laid down, he is asking us, as a neutral nation, to exercise merely neutral rights, or whether he has asked us to abandon neutral rights? I have observed that the fallacy which ran through the argument of my hon. and learned Friend, and in some respects through that of the Attorney General also, is that of confounding the obligations of our municipal law with those of international law. My learned Friend the Attorney General runs from one of these to the other, as if they were identical. Now, I take leave to say that the two things are essentially distinct. Municipal laws, unless they are embodied in conventions and agreements, give no right to Foreign States to call on a Government to interfere, either on the ground that they are new rights to be enforced, or new duties to be observed. But the Foreign Enlistment Act is a municipal law which has not been embodied in any international convention, and I will undertake to say that if the arguments advanced on behalf of the Crown are pushed to their legitimate consequence, no Government could ever sanction such a convention. But the rights arising out of international law are entirely different. They are as universal as the world; the same in America as in England. In dealing with other States on grounds of international law, your municipal laws are not worth a rush, but you are bound to recognize the principles of international law, though no municipal laws exist on the subject. That shows the utter fallacy of the arguments of my learned Friends. They have confounded the duties of a neutral State with the duties of the commercial subjects of a neutral Power. This distinction is most important. A neutral State cannot favour either belligerent, cannot supply them with arms, ammunition, or ships of war, or allow its citizens to be enlisted in their army or navy. But it has always been a principle affirmed by the greatest jurists, and recognized by America as well as by this country, that the commercial subjects of a neutral Power have no rights taken away from them with regard to carrying on any lawful trade whatever, in time of war as in time of peace, subject only to this one qualification, namely, that if they deal with articles contraband of war, they must take the consequences of the risk they run. In carrying on that trade, they are perfectly at liberty to supply belligerents with arms, ammunition, ships, or other articles contraband of war; they have a right to carry on their customary trade; but in carrying on this trade they are subject to this penalty—that they know their property may be confiscated if they violate the law of nations. My hon. and learned Friend would do well to bear in mind the distinction. But, acting on the notion upon which he has grounded the whole of his arguments, he says, "Look what America has done in your case. Did America allow ships of war to go out of her ports when you were at war?" And, by a slip of the tongue, I hope it was, he seemed to say that it was absolutely contrary to the laws of nations to furnish any country with a ship of war. Where did my hon. and learned Friend learn that doctrine? What country has ever laid it down? Has America? Go and consult Judge Story. He has told you that ammunition, and ships, and arms, and all kinds of contraband of war may be furnished by a neutral to a belligerent, but at the risk and peril of those who furnish them. My hon. and learned Friend quotes the case of 1793, and also the case of the *Maury* at the time of the Russian war. He quotes those cases, but, pardon me, he rather misquotes them. Why, in 1793 it was the case of ships built, fitted out and armed, and ready to go out to sea as privateers. These were the ships that Washington stopped. What was the case of the *Maury*? That ship had her guns in her, and she was only stopped when she was so fitted out, contrary to their own Foreign Enlistment Act as much as it would be contrary to ours. The only authorities, therefore, which my hon. and learned Friend quoted were not the least in his favour. But I must say, if you are to run your municipal laws into your international laws, and mix them up so that you cannot sever them, as the learned Attorney General has unfortunately done, what will be the consequences? I have always understood that when a municipal law which is of a highly penal character is passed, the Crown can only enforce it by strictly adhering to its provisions. But my hon. and learned Friend, deviating from the only ground he could have taken up, says that the Crown, on its own responsibility, and exercising its prerogative, will import into this statutory obligation—for it is only a statutory obligation — a prerogative greater than was ever exercised by any arbitrary Sovereign. Your laws, if they are to be maintained—the peace of the world, if it is to be preserved—can only be maintained and preserved by adhering strictly, regularly, and consistently to those great principles of international law which are not the laws of Europe only, but of America also. And the greatest principle of all is this, that when other countries chance to go to war, neutrals are deprived of no rights which they before possessed in the ordinary course of their business. Well, my hon. and learned Friend the Solicitor General, in attempting to answer the only other portion of the speech of my hon. and learned Friend the Member for Belfast, tries to explain away the dilemma in which my hon. and learned Friend had placed Earl Russell. I thought his explanation anything but satisfactory. But I was glad it was attempted, because it reminded me of the line of policy which Earl Russell had taken with regard to the *Alabama*, and which is totally different from that which the Law Officers of the Crown are now pursuing. The hon. and learned Member for Belfast reminded the House that Earl Russell said the case of the *Alabama* was a "scandal." But such was not Earl Russell's opinion a year ago. Nay more, I will say that, as recently as last October, Earl Russell's opinion was much sounder, because it was more just, because, in fact, it was in exact conformity with the great principles which I have endeavoured to sustain. If the American Government has a right to call upon us to stop ships which it cannot prove to be built, and equipped, and armed, and fitted out in violation of the Foreign Enlistment Act, upon what do they ground that right? I will show you upon what

Mr. Adams grounds it, and I will give you the answer of Earl Russell. Mr. Adams, writing to Earl Russell on the 23rd of October, 1863, says—

> "The United States are compelled to assume that they gave due and sufficient previous notice to Her Majesty's Government that this criminal enterprise was begun, and in regular process of execution, through the agencies herein described, in one of Her Majesty's ports. They cannot resist the conclusion that the Government was then bound by treaty obligations, and by the law of nations, to prevent the execution of it." [What treaty obligations? I know of none.] "Had it acted with the promptness and energy required by the emergency, they cannot but feel assured the whole scheme must have been frustrated. The United States are ready to admit tha tit did act so far as to acknowledge the propriety of detaining this vessel for the reasons assigned, but they are constrained to object that valuable time was lost in delays, and that the effort when attempted was too soon abandoned. They cannot consider the justice of their claim for reparation liable to be affected by any circumstances connected with those mere forms of proceeding on the part of Great Britain which are exclusively within her own control."—*Correspondence,* No. 1 (1864), p. 26.

Now, the gravity of that sentence must not be forgotten. The claim is made upon two grounds—treaties and the law of nations. But there are no treaties, and the law of nations is as I have stated. But what is the meaning of the claim for all the injuries done by the *Alabama?* Are the Government going to admit that such a claim is to be entertained for a single moment? What does Earl Russell say? And here I find the sound view upon which the Government ought to act. They will be found in page 42 of the papers. Earl Russell, writing on the 26th of October, 1863, says—

> "With this declaration, Her Majesty's Government may well be content to await the time when a calm and candid examination of the facts and principles involved in the case of the *Alabama* may, in the opinion of the Government of the United States, usefully be undertaken. In the mean time, I must request you to believe that the principle contended for by Her Majesty's Government is not that of commissioning, equipping, and manning vessels in our ports to cruise against either of the belligerent parties—a principle which was so justly and unequivocally condemned by the President of the United States in 1793, as recorded by Mr. Jefferson in his letter to Mr. Hammond of the 13th of May of that year. But the British Government must decline to be responsible for the acts of parties who fit out a seeming merchant ship, send her to a port or to waters far from the jurisdiction of British Courts, and there commission, equip, and man her as a vessel of war. Her Majesty's Government fear that if an admitted principle were thus made elastic to suit a particular case, the trade of shipbuilding, in which our people excel, and which is to great numbers of them a source of honest livelihood, would be seriously embarrassed and im-

peded. I may add that it appears strange that, notwithstanding the large and powerful naval force possessed by the Government of the United States, no efficient measures have been taken by that Government to capture the *Alabama.*"—*Correspondence*, No. 1 (1864), p. 42.

Now, with great deference to the Law Officers of the Crown, I prefer the international and constitutional view taken by Earl Russell to that which is taken by my hon. and learned Friends. That view, I am persuaded, is sound; and when I hear my hon. and learned Friend the Member for Belfast go over step by step the course which the Government have taken—when I find they were actually, as it were, inviting evidence against the builders of those ships by communications the answers to which might be turned against them—when I see they were acting without any authority in detaining the ships, the Act of Parliament giving them no such power—when I hear, and it was not contradicted and cannot be contradicted, that the seizure was made on the 9th of October, I think, and that no proceedings whatever were taken until the 6th or the 8th February—I must put it to the merchants of this House and beg them to consider, in behalf of their great mercantile interests, whether they are to be—I was going to say—trifled with by arguments like those of the learned Solicitor General. Shipbuilders are no more acting contrary to the law of nations in building ships for sale than merchants are in sending goods to break the blockade or in manufacturing arms to be used by the Federals. When I see all these things, and find the other side of the House echoing to the roof the observation of the Solicitor General, that the merchants of this country would do well not to violate the law of nations and the obligations imposed upon them by the proclamation of their Queen, my answer first is, that they do it at their peril if they send out articles contraband of war, and secondly, that they do no more wrong, they act no more contrary to the Royal proclamation in building ships to sell them to the Confederates than they do in sending out arms or ammunition to be sold to the Federals, or swift-steaming vessels to break the blockade. Let it not be supposed that I wish to show my sympathies to the one side rather than the other in that tremendous conflict which is now raging beyond the Atlantic. I have never spoken on that subject in this House. If I were to give expression to my sympathies, it would be seen that they are not those which the Solicitor General imagines exist on these benches. They would be partly in favour of that brave people who are endeavouring to assert their independence against the oppression to which they think they are exposed; but my sympathies, as well as those of the country, were, I believe, in the commencement of this fearful struggle so far enlisted with the North as to lead us to hope that the Union of all the States might still be preserved. It is not, therefore, because I sympathize with one side rather than the other, but for the purpose of maintaining intact the great principles of international law that I have deemed it right to address these few observations to the House.

MR. T. BARING: Sir, I had not intended to trouble the House with a single word on this occasion, but as my right hon. Friend who has just spoken has appealed to the merchants of his country in support of the sentiments to which he, as well as the hon. and learned Member for Belfast, has given expression, I, as an humble member of the mercantile community, and not assuming to myself, in any way, authority to represent it here, cannot help protesting against the doctrines which he has laid down. I, for one, cannot think that, by sanctioning measures which would lead to privateers and war vessels being fitted out at neutral ports, to take part in the contest now raging across the Atlantic, we should benefit the commercial community. What community, let me ask, would suffer more than the mercantile classes of this country if that system were generally supported, and that principle adopted? What would take place in the event of a war breaking out between us and another nation, if it were allowed to a neutral country to arm vessels as pirates to destroy our commerce? We are not uninterested in this matter. As merchants, we are interested in maintaining that principle, which we supported and propounded ourselves when we were engaged in war. We are interested in the principle adopted by Jefferson at our recommendation, and acted on by ourselves so lately as during the Crimean war, and which, if it be broken through now, may be acted upon to our injury hereafter. My right hon. Friend says that neutrals are authorized to trade. Yes, but there is a law which says we are not to equip vessels for warlike purposes; and does my right hon. Friend, I would ask, mean to contend that these vessels, the case of which we are discussing, armed as they were with rams, are merely innocent commercial ships, intended to be used simply for commercial purposes, and which would be misused if adapted to the purposes of war? Will he not allow that the mode in which they were constructed shows the object for which they were destined? My right hon. Friend says, that the Solicitor General did not answer the question put by the hon. and learned Member for Belfast; but there was another question which he himself did not answer. Does he believe that these vessels were equipped for warlike purposes? That is a question which I am sure he would not undertake to answer in the negative. But be that as it may, I, as an humble member of the commercial community, speaking in support of my individual interests as a merchant, rejoice to say that those interests are identified with the blessings of peace and the maintenance of amity. I may add, that on the continuance of those blessings rests not only the progress of civilization, but the greatness of this country; and when I hear hon. Gentlemen on this side of the House taunting the Government, as it were, with not precipitating us into a war, I have, I confess, no sympathy with them. In speaking thus, I am, I allow, advocating my own interests; but, in doing so, I feel I am advocating also the interests of my country and of humanity. This I would say in conclusion, that if the speeches of my right hon. Friend, and the hon. and learned Member for Belfast, are to be taken as furnishing the grounds on which we are to divide to-night, they seem to me to have arrived, by simply moving for these papers, at a most lame and impotent conclusion. Why do not they at once move a vote of censure on the Government, or on the Law Officers of the Crown, for the course which they have pursued? For my own part, I offer to the noble Lord the Foreign Secretary, and to those Gentlemen by whom he is advised in those matters—although I think they are open to grave censure for not having prevented the departure of the *Alabama*—my thanks for their conduct on this occasion, deeming it, as I do, to be calculated to promote the welfare of the State.

Mr. SEYMOUR FITZGERALD: I might have been well content to have left the argument on this question where it was left by my hon. and learned Friend the Member for Belfast, and my right hon. Friend the Member for Cambridge University; but I must say that in listening to the speech just addressed to the House by the hon. Member for Huntingdon, there was only one sentence which gave me satisfaction and pleasure—namely, that he did not assume to represent the mercantile community of England, but that he merely spoke in his own name. We all know the high and distinguished position which that hon. Gentleman holds among the merchant princes of England; but I am glad to hear from him that the words he uttered expressed his own opinions alone. The hon. Gentleman has tendered to the Law Officers of the Crown his thanks for the course they have taken. I must confess that I do not agree in those thanks. The hon. Member for Bradford (Mr. W. E. Forster) admitted that a more important question had never been brought before the House. I quite agree with him, though on a different ground from that on which he put it. He said it was important because it concerned the commerce, the trade, and the possible position of the country in the event of another war. These are grave and important considerations; but I hold further, that this is a most important question, on the ground that this is the first time for many a year that a Minister has stood up in this House to justify, in the face of the House of Commons, a deliberate breach of law. The hon. Gentleman opposite has referred a good deal to the word "responsibility." That is an elastic word, and is one capable of wide application, and if the Executive can act thus, if the Law Officers of the Crown can arrest ships, why may they not arrest men also? To what extent may not the doctrine of the Solicitor General be extended? Is that a doctrine likely to secure peace, that the Executive should thus break the law, and seek to justify themselves to the House of Commons? But there is one point which I wish to put to the Attorney General. He has said that these ships were detained upon grave suspicions of the intentions of the builders, and that they were not seized till sufficient evidence was obtained of the use for which they were designed. I wish to ask him what the result would have been if it had been shown that the intention of the builders was lawful and innocent? Would not the right hon. Gentleman then have to admit that the law had been deliberately broken, and that the power of the Executive had been brought to bear against persons who were blameless? I think a great advantage has been obtained by the discussion of to-night, and I am glad that it has been from this side of the House that the principle has been advocated, that nothing will justify, on the part of the Executive, a deliberate breach of the law, on the grounds which the Government have taken to-night, that the end will sanctify the means.

SIR GEORGE GREY said, he wished it to be clearly understood, before the House proceeded to a division, that the papers asked for in the latter part of the Motion, the Government were ready to grant; and that the negative which the Government gave to the Motion applied only to the former part, relating to the correspondence between the various departments of Government and Messrs. Laird.

Question put,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between the various Departments of Her Majesty's Government, or Officers in Her Majesty's service, and Messrs. Laird Brothers, relating to the two Iron-clad Vessels the *El Tousson* and *El Monassia*, building by that firm, and seized by order of Her Majesty's Government.

"And, of any Papers or Correspondence that have passed between Her Majesty's Government and the Government of the United States, or their representative Mr. Adams, relating to the said vessel."

The House *divided*:—Ayes 153; Noes 178: Majority 25.

ECCLESIASTICAL COMMISSION.

PAPERS MOVED FOR.

MR. WALPOLE, in moving for a Copy of two Reports, made to the Ecclesiastical Commissioners by the Estates Committee, on the 4th and 18th days of February, 1864, said, his object in doing so was to inform the public of the principles on which the grants by the Commission were regulated, and of the nature of the Commission itself.

Motion *agreed to.*

Copy *ordered,*

"Of two Reports made to the Ecclesiastical Commissioners by the Estates Committee on the 4th and 18th days of February, 1864."—(*Mr. Walpole.*)

INSANE PRISONERS ACT AMENDMENT BILL—[BILL 4.]—CONSIDERATION.

Order for Consideration read.

MR. HUNT said, he wished to take that opportunity of mentioning a matter on which he had received a letter from Dr. Forbes Winslow, complaining that he (Mr. Hunt) had misrepresented his opinions. When the Bill was in Committee, he (Mr. Hunt) had stated that "Dr. Forbes Winslow had based his opinion of Townley's insanity chiefly on his extraordinary perverted moral sense." It had been represented to him that this was not a correct statement of Dr. Forbes Winslow's theory of the case, which was, that there was a great moral obliquity in Townley, and with this a mental aberration; and, viewing these conjoint conditions, Dr. Forbes Winslow came to the conclusion that he was not of sound intellect. He (Mr. Hunt) did not see much variance between the correction and what he had himself stated, but he was anxious not, in any degree, to place Dr. Forbes Winslow's statement before the House. For himself, he protested against moral obliquity being taken into consideration at all in estimating the sanity or insanity of a prisoner.

Bill, as amended, *considered;* to be read 3° *To-morrow.*

WAREHOUSING OF BRITISH SPIRITS BILL—[BILL 19.]—SECOND READING.

Order for Second Reading read.

MR. LYGON said, he hoped the Chancellor of the Exchequer would explain the nature of the Bill. The right hon. Gentleman had given notice of a Bill regarding British and foreign spirits, but had thought fit not to give any explanation concerning its objects, when he obtained leave to bring it in. As he obtained that leave, or rather he was under the order of the House to bring in a Bill relating to the warehousing of British and foreign spirits, more reason ought to be given why an important part of it was to be omitted. Much inconvenience was caused to hon. Members and the country from the manner in which the right hon. Gentleman thought right to introduce such Bills. It was true that they were not of first-class importance, but they were of such importance to those whose trade might be affected by them, that some explanation was due. The manner in which the Chancellor of the Exchequer acted was manifested in the Tobacco Duties Bill and the Inland Revenue Bill of last year. In neither case did he give any information when he obtained leave in a Committee of the Whole House to bring them in. The Tobacco Duties Bill was introduced without explanation on the 16th of February, was read a third time on the 23rd of February, and the first explanation was given at about the same time of the night as the present. The Bill was committed on the 2nd of March. But on the 9th of March, in consequence of the want of information in its early stages, the Bill was re-committed, and the Report was agreed to on the 23rd of March. It would have been more satisfactory if an early explanation had been given. It was the same case with the Inland Revenue Bill. The Bill was re-committed with reference to railway passengers and spirit licences. There was a Standing Order that no Bill affecting trade should be brought into the House, except in a Committee of the Whole House. The object of that rule was, that hon. Members might have a full explanation of the objects of the measure; but that object was set at nought by the right hon. Gentleman. It was a matter of serious importance to his (Mr. Lygon's) constituents; one of them had written to him that he had paid £1,000 for duty within the last few months on English, Irish, and Scotch spirits, and he was anxious to know whether the right hon. Gentleman intended to introduce, in any part of the Bill, words affecting foreign spirits.

The CHANCELLOR of the EXCHEQUER said, he had followed the uniform practice, and the hon. Member, notwithstanding his great experience, had entirely misunderstood the purport of preliminary Resolutions for Bills relating to trade. The doctrine, that in proposing such preliminary Resolutions the subject should receive in all its parts a searching examination was absurd, and would in effect be taking the Committee on a Bill before its introduction. The common practice in Bills of trade was to cover all the matters affected by a general Resolution. His practice had been agreeable in every instance with fixed tradition. The complaint was that he did not introduce Bills in the final shape in which they were passed by the House. He confessed he was not as the hon. Gentleman seemed to be—in a position to bring in Bills in such a shape—and being liable to the infirmities of human nature, and not possessing the perfect apprehension of the hon. Gentleman, he was willing and glad to accept suggestions and improvements which came to him during the progress of his Bills. With regard to measures on which there was any reason to expect a difference of opinion, he always endeavoured to give every explanation in his power; but when it was a subject on which there was no difference of opinion on the principle, he generally trusted to private communications and the correspondence between Members and their constituents for any modifications which might be desirable. He had followed that course with respect to the present Bill; and, notwithstanding what the hon. Gentleman had said, he had in no way deviated from the Orders of the House. He might, however, mention, that the object of the present Bill was to allow the British trader to take spirits for home consumption or exportation out of the bonded vaults of the excise without compelling him to go to both, through the customs and excise departments. When the Bill passed, it would only be necessary to pass the spirits through the customs department. There were also some provisions in favour of the British distiller in regard to measurement.

Bill read 2°, and *committed* for *Monday* next.

COPYRIGHT BILL.

Bill for the consolidation of the Acts relating to Copyright in works of Literature and the Fine-Arts, *ordered* to be brought in by Mr. BLACK, Mr. MASSEY, and Mr. STIRLING.

Bill *presented*, and read 1°. [Bill 34.]

House adjourned at
Twelve o'clock.

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HOUSE OF COMMONS,

Wednesday, February 24, 1864.

MINUTES.]—SELECT COMMITTEE—on Standing Orders, Mr. Paget *added;* On Poor Relief *nominated.* (See p. 1052-3).

PUBLIC BILLS — *Committee* — Malt for Cattle* [Bill 6]—R.P.

Third Reading—Insane Prisoners Act Amendment* [Bill 4], and *passed.*

Withdrawn—Rents (Ireland)* [Bill 1].

RENTS (IRELAND) BILL—[BILL 1.]

SECOND READING. BILL WITHDRAWN.

Order for Second Reading read.

MR. LONGFIELD said, he rose to ask permission to withdraw the Bill. An arrangement had been made for its introduction into the House of Lords, where it was read a third time last year, by the noble Lord who then had charge of it. He would, therefore, move that the order for the second reading should be discharged.

Mr. DAWSON expressed his satisfaction at the withdrawal of the Bill.

Order *discharged ;* Bill *withdrawn.*

MALT FOR CATTLE BILL.—[Bill 6.]

COMMITTEE.

Order for Committee read.

Moved, "That Mr. Speaker do now leave the Chair."—(*Mr. Chancellor of the Exchequer.*)

Mr. BASS said, that he was afraid they were making more haste than God speed with this measure, and he did not think that they knew enough of its probable operation to justify them in accelerating its progress. They were neither sufficiently acquainted with the opinions of those for whose benefit it was designed, nor did they know with sufficient clearness whether the interests of the revenue would be safe under its operation. The little information they possessed went to show that the farmers were not satisfied with the proposition of the Chancellor of the Exchequer. The measure was not what they intended. This tub to the whale would not appease their desire for the total or partial repeal of the malt tax. He had received a number of letters, many of them from persons with whom he had previously had no correspondence, in which the greatest dissatisfaction was expressed at the proposal, and such disrespectful terms as "humbug" and "nonsense" were applied to it, terms which were rarely applicable to any measure of the right hon. Gentleman. In no single instance did any one of his correspondents express even a hope that the Bill would effect what was desired even with reference to the feeding of cattle. The right hon. Gentleman told the House in the previous week how extremely irksome and how more than burdensome to commerce was the Excise supervision; but the restrictions imposed by the Bill upon maltsters or farmers who undertook to make malt would of themselves render the measure impracticable. For example, they must have an office especially devoted to the mixing of malt in addition to the ordinary office. There must be a room specially appropriated to the use of the exciseman, of which he was to have the key, and where he was to see the linseed or linseed cake ground and mixed with the malt; so that if a farmer should take to this business for himself and neighbour, or a maltster determine on engaging in a new branch of his trade, he would be totally dependent on the excise. Not a single bushel of the mixture could be moved without a previous notice given to the excise. These were great objections to the measure. If the measure should enable the farmers to produce malt for feeding cattle, it was necessary to consider how far the revenue would be affected. It had always been his opinion that the farming interest and the consumers of beer in this country were placed at a great disadvantage as compared with other classes by the operation of the malt tax. The duty upon every article with which malt had to compete, had of late years been materially reduced. The duty upon foreign spirits had been reduced from 22*s.* to 15*s.* a gallon, the duties on tea and coffee had been greatly diminished, and the duty on wine had been lowered from 5*s.* 6*d.* a gallon to 1*s.* upon a great part of that which was imported, while the malt tax was higher than it was in 1816, when the war duty was taken off. It was true that, in the mean time, the tax on beer had been abolished, but that duty was so unjust and so inequitable that it was impossible that it could be retained. With reference to the competition between beer and wine under the new duties, he would ask the House to listen to a few facts. On Monday the Chancellor of the Exchequer told the House that the duty on beer was about 25 per cent—the farmers said it was nearly 70 per cent—while the duty on the wines which would compete with beer varied from 50 to 100 per cent.

Mr. PACKE said, he rose to order. He thought that the hon. Member for Derby was travelling out of the question which relates solely to the making of malt for feeding cattle.

Mr. SPEAKER said, that the hon. Gentleman was quite in order. Upon the Motion, the whole subject might be discussed.

Mr. BASS said, that the hon. Member for Leicestershire and himself went a great way together. He desired to promote the repeal of at least half of the malt tax, and he supposed that the hon. Gentleman desired to get rid of the half or the whole of it. He was therefore surprised that the hon. Gentleman should interrupt him when he was endeavouring to show that the Chancellor of the Exchequer had made a misstatement. He had obtained calculations from one of the foremost houses in the wine trade, which showed that the average price of French wines imported into this country—and it was for the benefit of those wines especially that the change of duty was made, and with them only they had now to deal, because there was no importation of beer into Spain or Portugal —was 6*s.* 4*d.* a gallon, and the average duty was certainly not more than 1*s.* 9*d.*, but he believed more nearly 1*s.* 6*d.* a gallon. Therefore, instead of the duty being from 50 to 100 per cent, it was only 27½ per cent. Now, if it was right that the duty on malt should be 25 per cent upon the supposition that French wines paid 50 or 100 per cent, it was clear that if French wines paid only 27½ per cent, the malt duty ought to be diminished at least one-half. He confessed that his views with regard to the malt tax had lately undergone some change. At one time he thought that we might have gradually got rid of the whole of the malt duty, but he was no longer of that opinion. He was persuaded, however, that we might easily reduce it one-half, and that without losing a quarter of the revenue at present received from it; but we could not spare the whole, not because we could not supply the loss of the £6,000,000 or £6,500,000 raised from the malt duty itself, but because the total repeal of the duty must endanger the duties on British and foreign spirits, foreign wines, and licences upon the various trades connected with these articles, making a total of about £21,000,000, which even the ingenuity of the Chancellor of the Exchequer would be unable to replace. Hon. Gentlemen opposite must forgive him for reminding them that they had not always been so vigilant with regard to additions to the malt tax as they appeared to be at the present moment. When, in 1862, the Chancellor of the Exchequer imposed through the medium of the brewer's licence duty an additional tax upon malt of 14*d.* or 15*d.* a quarter, he remonstrated against that duty as unjust and unprecedented, but he got no sympathy or assistance from hon. Gentlemen who were the immediate representatives of the farmers. The right hon. Gentleman charged him within £2 of £7,000 a year for permission to carry on his business. Did hon. Gentlemen suppose that he should pay that sum without putting it on the malt in some way or the other? If a similar tax was imposed upon all trades he should pay it cheerfully; as a direct tax he thought that it would not be a bad one; but when charged upon brewers alone it was partial and unjust, and the sooner it was abolished the better. When that tax was imposed the brewers were promised cheap hops; and hon. Gentlemen opposite were anxious that hops should be cheapened, because when hops were cheap the farmers get a better price for their barley; but he had as yet got no cheap hops. On the contrary, he could not remember two years in succession during which hops had been dearer than they had during the last two. He had thus shown that the farmers wanted more and were entitled to more than than the Bill would give them. No man in England would suffer more from the repeal of the duty or even of half the duty on malt than he should, but so unfair and impolitic did he consider that tax, that he would vote for such a measure to-morrow. Hon. Gentlemen would understand his argument when he told them that he got quite as much profit from the duties which he paid on malt as he did from that which he paid on barley. Then with regard to the revenue. Having taken the liberty of suggesting to the right hon. Gentleman that some beer should be brewed with malt and linseed, he had done so instantly, and submitted the produce to experts, one of whom, who was among the most experienced in the trade, said, "The Chancellor of the Exchequer is a very clever fellow, but if he can tell this from beer brewed from malt solely he is cleverer than I take him to be." He had ordered a couple of casks of beer to be brought into the kitchen of the House of Commons, the one made from pure malt and the other from malt and linseed, and should take it as a great compliment if the right hon. Gentleman would form his own opinion upon actual experiment. The chymical officers consulted by the right hon. Gentleman had no superiors in their profession; they all, and particularly Mr. Phillips of the Inland Revenue Office, were men of consummate ability and of the highest possible character; still, he thought they had been too sanguine in this matter. A brewing had been made with the sanction of the right hon. Gentleman, but a telegram had been put into his hands since he entered the House, saying that Mr. Phillips was not satisfied with the experiments, because the linseed meal and cake were not pure, and the malt was not ground fine enough. So that before this intricate subject could be thoroughly worked out, it would be necessary to analyze the linseed meal or cake, and Professor Volker, or Mr. Lawes, would have to attend every one of the factories where malt was prepared for cattle, and troubles would be continually springing up with the Excise. But supposing Mr. Phillips to be correct in his view, it still became important to try whether even then an article might not be produced from linseed and malt which would fairly compete with that brewed from malt. Personally speaking he had no interest in the matter; the delicate beer which he produced would not, he thought, come into competition with that brewed from linseed, and he therefore spoke with entire impartiality. He knew it was said that "Bass never got up without alluding to malting or hops;" but he would plead as his excuse that he did not venture to treat on questions of *haute politique*, but confined himself to matters that he really did understand.

MR. DUCANE said, that during the last discussion on the Bill the right hon. Gentleman intimated that he would defer going into Committee until that day, in order that Members who represented agricultural constituencies might have an opportunity of consulting their constituents. During that interval he (Mr. Ducane) had had an opportunity of consulting several gentlemen upon whose practical opinion he could rely, and he had found that the opinion amongst them with regard to the measure was a tolerably unanimous one. He certainly had not found in his correspondence all those complimentary epithets which the hon. Member for Derby (Mr. Bass) had found in his; but he might say that the feeling of his constituents might be summed up in one sentence—the more they looked at the Bill the less they liked it. The exact value of malt as a fattening property in food for cattle was a matter upon which considerable difference of opinion existed; and although a measure giving full and free power to farmers to test its fattening qualities by actual experiment would, no doubt, be regarded as a great boon, the Bill before the House was fettered and clogged with so many useless restrictions, that he doubted whether farmers in any great numbers would avail themselves of the permission. The object of the Bill seemed to be not to give the farmer the power of malting his own inferior or damaged barley upon his own premises without the supervision of the Excise, or to enable him to give to his own labourers beer free from malt duty, but to put him under the control of the maltster and exciseman, both as regarded the quality of malt and the linseed which he was compelled to mix with it. The hon. Member for the West Riding on the first stage of this Bill had observed, that if anything could possibly make rogues of such a remarkably honest set of men as agricultural labourers, the Bill would effectually do it, in the premium that was held out for illicit brewing. He entirely agreed with that remark; and he would venture to go further, and say that if anything could make rogues of such an honest set of men as maltsters were known to be, it would be the premium that the Bill held out for the adulteration of malt with linseed. Rogues were to be found in every trade, and linseed cake, as they all knew, was a very expensive item in the farmer's expenditure, and there was perhaps no article so subject to adulteration. Professor Volker in his paper read before the Royal Agricultural Association, called attention to the scale upon which deleterious or simply doubtful substances were already mixed with articles supposed to possess good feeding properties. To require linseed meal to be closely ground before it was mixed would, therefore, be to hold out additional inducements to fraud. Another consideration presented itself in connection with the expense about to be entailed upon maltsters. Was it likely that many of them, knowing how uncertain the demand must prove, would incur the expense of erecting separate buildings and complicated machinery? Owing to the suspension of malt credits, which formed so prominent a feature in the Budget three or four years ago, several hundreds of maltsters in the rural districts had given up business altogether, and there were to be found at this moment large agricultural tracts entirely destitute of malting. There was another reason why the farmers regarded this Bill with dislike and suspicion. He could not better explain it than by quoting a line from a poet with whose lines no one was better acquainted than the right hon. Gentleman himself—

> "—— timeo Danaos et dona ferentes."

No doubt there were admirers of the financial policy of the right hon. Gentleman; but he certainly had not succeeded in creating the impression that he was a friend of the landed interest, and the farmers could not help suspecting that in the present Bill there was something "within which passeth show," and that it was set up merely to stop agitation for the repeal or abolition of the malt tax itself. He was not one of those who were sanguine enough to expect that the right hon. Gentleman could sacrifice £6,000,000 of taxation at one fell swoop. But he believed that if the right hon. Gentleman were to take the bull manfully by the horns, and reduce the tax either by one-half or by two-fifths, he would find that the increased consumption would greatly diminish the apprehended loss to the revenue, while he would give the farmers and the consumers of this country a very material guarantee that they were on the high road to the abolition of the impost. But instead of that the right hon. Gentleman had brought in a measure which he (Mr. Ducane) believed would be practically a dead letter, or which, if it did come into general operation, must cause a very great loss to the revenue, both by the premium it would hold out to illicit distillation, and by increasing the public expenditure by the addition which would be required to the number of excisemen, while it would, at the same time, have the most objectionable feature of the tax—namely, its inquisitorial character. He begged to inform the right hon. Gentleman, that the minds of the farmers were fully made up on the subject, and that if he persisted, year after year, in ignoring their just claims to a reduction of the tax, he, or any Chancellor of the Exchequer who might succeed him, must make up their minds to meet an agitation compared with which the remonstrances of the paper manufacturers, or of the hop growers, would be a mere trifle. The farmers felt they had a right to a reduction of that tax. They believed that their interests had not been fairly consulted in the remission of taxation which had been effected of late years. The Corn Laws had been abolished, the duties on sugar, tea, and wine had been materially reduced; and, under those circumstances, it was an anomaly and an injustice that the tax upon malt should be left untouched. He had no doubt that the right hon. Gentleman would reply, that the duties on sugar, tea, and wine, were higher, *ad valorem*, than the existing duty on malt: but he (Mr. Ducane) would venture to meet that argument by observing, that the duties on sugar, tea, and wine were levied merely on articles of consumption, while the malt tax pressed not only upon the consumer, but also upon the home producer; and it was, perhaps, a greater restriction upon the growing of barley than upon the consumption of beer. It was, therefore, with corn and bread, and not with sugar, tea, or wine, that malt ought to be compared. If the principle adopted in the case of wine had been extended to the case of malt, the repeal of the malt tax would long since have taken place. He had, in conclusion, to express a hope that not only would the House take that measure in hand, and make it, what it was not at present, a measure of real advantage to the farmer, but that the right hon. Gentleman, before he produced his Budget, would fully consider the whole question of the malt tax itself, and in case he survived the *experimentum in corpore vili* to which the hon. Member for Derby would subject him, that he would endeavour, in a more substantial manner, to satisfy the just claims of a large and important portion of the community.

Mr. PACKE said, he believed the Chancellor of the Exchequer must by that time feel convinced that the measure as it stood was not satisfactory to the agricultural interest. He rose, however, principally for the purpose of expressing a hope, that the right hon. Gentleman would consent to the Amendment of which he (Mr. Packe) had given notice, that after the word "meal" there should be added, in Clauses 1, 6, and 8, the words "or cotton cake or rape cake." He believed that some real advantage would thus be conferred on sheep graziers, and it was that class, and not cattle graziers, that would be principally enabled to avail themselves of the provisions of the Bill.

Mr. BAGWELL said, that the measure would affect Ireland in two important particulars; first, in its connection with the question of distillation; and secondly, in the new police arrangements which it would necessitate. As far as regarded the police view of the subject, he believed that it would be utterly impossible to prevent that malt from getting into the hands of illicit distillers. The right hon. Gentleman might imagine that in a mountain farm in Ireland the malt would be employed in the feeding of cattle; but he (Mr. Bagwell) felt perfectly sure that it would go to make whisky. He believed, too, that the whisky which would thus be manufactured would be much better than that which was now made under Parliamentary sanction. It was hardly possible to form a conception of the poisonous maddening stuff which the people of Ireland at present drank under the name of whisky. It was only the other day that a whisky dealer, in a village near his (Mr. Bagwell's) place of residence, asked a doctor how much oil of laudanum he could put into the whisky without killing people. The doctor made known the fact to a magistrate, who put himself in communication with the authorities at Dublin Castle upon the subject, and the reply he received from them was, that if the publican killed people he would be hanged for it, but that otherwise they could not interfere with him. So much for a police view of the question. With respect to the probable effect of the measure on the increase of illicit distillation, he had to observe, that when the duties upon whisky were only 2*s*. 4*d*. a gallon, there were eighty or ninety distilleries in Ireland, giving employment largely, and consuming immensity of agricultural produce. Now the duties had been raised to 10*s*. there were only twenty distillers in existence. How long might these be expected to survive if such encouragement were given to illicit distillation as the present Bill proposed. Upon these grounds he decidedly disapproved of the Bill, and he had to express a hope that it would be withdrawn.

MR. BANKS STANHOPE said, that the Bill from its title seemed to hold out a promise of a real advantage to the farmers; but that promise was belied by the actual provisions of the measure. For farmers to avail themselves of the advantages offered by the Bill, they must have room for storing malt, and also for grinding it, and that implied putting up machinery, as well as obtaining men to work it. Malt made in that manner would be far too dear for the farmers. If it were necessary to put up steam power, very few small maltsters would go to such considerable expense. Could the Chancellor of the Exchequer suppose that small farmers would put up malt houses involving such machinery and expense? Again, provision ought to be made against that kind of malt being turned to an improper use. He had conversed the previous day with a practical farmer, who said that there was great danger of abuse arising out of the measure, for that if they did grind fine it might lead to fraud, while if they did not grind to proper fineness, the material could not be used for sheep. Wishing very much to see malt brought into more general use, he feared that the measure would not have general operation. The Chancellor of the Exchequer must have regard to the amount of adulteration that must take place under the Bill. What was there to prevent a person from putting one-half instead of one-tenth part of linseed into the mixture. One malt condiment would be advertised and puffed for feeding cattle, another for feeding horses, and another for feeding sheep, and a new mode of practising deceit would be opened against farmers. He believed that the Bill would be useless as it stood, while he feared that it would lead to much fraud. He gave the Chancellor of the Exchequer full credit for good intentions, but he would advise the right hon. Gentleman to withdraw the Bill, and see if he could not take off the duty altogether, or introduce a better agency for the objects he had in view. As it stood, he believed that the Bill would only prove a delusion.

MR. COBBETT said, he should much like to see a Bill entitled "Malt for Man." A great deal had been recently said of the miserable condition of the labouring man upon the land, and no very distinct proposition for mending his condition had been put forward. In the absence of any better course, he thought it would be wise to revert to the old system of allowing him to brew his own beer and drink it with his family. In 1821, Mr. Ellman, a large farmer in Sussex, gave evidence in a Committee of that House that, in the year 1770, he recollected every labouring man brewing his own beer in the parish in which he lived, but that no labouring man brewed when he gave his evidence, except men to whom he gave the malt. In 1837, an old working man from Chichester stated before the Poor Law Committee, that he in his younger days brewed his own beer, that the price of malt was 2*s*. 6*d*. the old bushel of nine gallons. He thought if they could get rid of the malt tax entirely they would see the same state of things again. He should like to see a repeal of half the malt tax at once, with a view to doing away with it entirely. It was said that that would have an unfavourable effect upon the revenue, by diminishing the consumption of brandy, gin, rum, and whisky. If that were so, he should consider the change beneficial. With reference to the Bill before the House, he thought it would be almost inoperative. The agriculturists with whom he had conversed on the question were not very large farmers, but they shared that view. Still, he hoped the Bill would not be withdrawn, because he regarded it as a step, or a seeming step, towards the modification of a very great grievance and injustice, and he gave the Chancellor of the Exchequer credit for the desire he had evinced to deal with an evil of very long standing. In districts where hops were grown largely, and where there were large farmers, the system sanctioned by the Bill might, perhaps, be adopted. Looking on the Bill, however, in the light of an experiment, he thought it desirable that it should be passed, and trial of it made. There was another thing which showed the impolicy of the malt tax, and that was the quantity of spoiled barley that was rendered useless by the Excise regulations. If permission were given to house-sprouted barley, it might be dried, and would become useful for feeding cattle. He knew a farmer near Godstone whose barley had been greatly spoiled in the field last harvest, and who wrote up to the Chancellor of the Exchequer asking permission to save it by turning it into malt, but the right hon. Gentleman politely informed him that he had no power to help him. That was a matter which he hoped the Chancellor of the Exchequer would bear in mind. He hoped that there would be no attempt to impede the Bill. Since the question had been mooted, he trusted that it would be agitated throughout the country until they got rid of a large amount of that taxation which was imposed on the agricultural community, and which, through them, pressed on the labouring class.

Mr. NEWDEGATE said, that after the speech of the Chancellor of the Exchequer the other night, he had ventured to make a suggestion to which he wished to call the attention of the right hon. Gentleman; he was anxious to repeat that suggestion now, that the right hon. Gentleman might favour him with a reply. The Chancellor of the Exchequer might remember that in 1860 he had taken the liberty of pointing out to him the danger of resting the revenue of the country on so very few items as subjects of taxation, several of them being articles largely entering into the food of the people. He had warned the right hon. Gentleman that in all probability an agitation would spring up for the repeal of some of those taxes, and that in consequence of there being so few sources of revenue, each was exposed to an agitation, which, from the simplicity of its object, would be almost certain to succeed. He was glad, therefore, to hear the speech of the hon. Member for Oldham, who, though he desired the repeal of the malt tax, did not wish to endanger the revenue. A rumour was current that a reduction of taxation would be made by the right hon. Gentleman to the extent of £2,000,000. He did not know whether this was true or not, but if true, he would ask the right hon. Gentleman why he should not accede to the wish expressed by a large class of the community in favour of some reduction of the malt tax. He (Mr. Newdegate) wished the Bill before the House to pass, and the experiment it involved should be tried, but he trusted that the right hon. Gentleman would consider whether the restrictions which forbade the producers of barley to malt and brew at home for the purposes of their own families and labourers, might not, under due restrictions against their selling beer, be relaxed—since the possession of barley by the growers of that grain made them naturally impatient of being forbidden the use of it for their own domestic purposes.

Sir FITZROY KELLY said, that after the appeal of the hon. Member for Oldham (Mr. Cobbett), who had an hereditary right to direct the attention of the Legislature to that important question, he felt it his duty to state the course which he intended to take. Last Session he moved for a Committee on the malt tax. The Chancellor of the Exchequer assented, and the Committee sat. Since that time, however, the right hon. Gentleman had introduced a Government measure intended for the benefit of the agricultural community. He feared that the restrictions and safeguards thought necessary in regard to the revenue endangered the success of the experiment; but if the Chancellor of the Exchequer could be prevailed upon to put the Bill into such a form as to afford the agriculturists the means of making the experiment fairly, all objections to the passing of the measure would be obviated. At any rate, Amendments could be made in the Bill in another Session of Parliament. Until he heard the financial statement of the right hon. Gentleman he should not move the reappointment of the Committee of last Session.

Colonel DICKSON said, he had heard no argument in favour of the Bill. As a Member for a large agricultural community in Ireland, he wished to state his opinion that the Bill would do a great deal of harm, and if passed would aggravate crime in that country. He regretted that the Government had not introduced some measure to alleviate the distress in Ireland. He might add, that so far from seeing in the measure the germs of further reduction, he thought it would be made an excuse of to prevent future legislation on the subject.

MR. POLLARD-URQUHART said, he thought that, notwithstanding the objections which had been urged against the Bill, the House should be allowed to go into Committee. He looked on the Bill as the introduction of the "thin edge of the wedge." The adulteration of wine led to a diminution of the duties on wine, and if the anticipated adulteration of malt should have a similar effect on malt he should rejoice. There would probably arise considerable difficulty in determining what was linseed. A few years ago that kind of difficulty arose with regard to paper, and in that case the result was abolition of the duty. Few men were better acquainted with the labouring classes of the metropolis than the Rev. Dr. Cumming, and he had his high authority for joining in the opinion of the hon. Member for Oldham and another hon. Member, that the repeal of the malt duty, although it would make beer cheap, would lead to a diminution of drunkenness.

MR. BEACH said, he fully shared in the apprehensions expressed by several hon. Members, that the restrictions contained in the Bill would prevent the experiment from being fairly tried. At the same time, he felt that before the five years for which it was to run had elapsed, a much more complete measure would be passed.

MR. HENLEY said, that the accounts he continued to receive from the country confirmed him in the opinion he had expressed on a former occasion, that the agriculturists looked upon the Bill as nearly inoperative, and hardly worth the paper it was printed on. An hon. Member opposite has stated that he regarded the Bill as the thin end of the wedge, and perhaps it might be so considered if they were dealing with the whole question of the malt duty. But the measure dealt with was only an infinitesimally small corner of the argument, and, instead of being the thin end of the wedge, he was afraid the Bill would be used as an argument for staving off the wedge altogether. A great feeling had grown up that some of the malt duty should be taken off. The House had reduced the price of brandy to the rich and middle classes, who were the sole consumers, for the poor man never drank brandy-and-water. They had taken the duty off wine, which was also the beverage of the rich and middle classes, and now the poor declared that it would be right to give them a turn and take the duty off beer. He did not see how that claim could be fairly answered. It had always been the rule to tax spirits more highly than any other beverage, because they were held to be more deleterious. Wine was taxed in the next degree, because the rich and middle classes who drank it could afford to pay for it. Beer had always been taxed in a less proportion, and the people thought, and he agreed with them, that it would be fair to deal with beer as brandy and wine had been dealt with, and thus give the poor some benefit. He was aware that it was a very important matter when they came to deal with £5,000,000 or £6,000,000 of revenue. There was, however, no reason why some of the malt duty should not be taken off, and the great beer consuming class had, he thought, a fair claim to consideration. There were symptoms of a strong agitation getting up for the repeal of the malt tax, but it was better to prevent agitation by doing justice. Another point was worthy of consideration. Whoever got the gain, it must be shared among ourselves. The wine-grower and the brandy manufacturer had received a large share of the benefit of the reduction of duty on those articles. It might be a question whether the quart pot, or the farmer who grew the barley, would get the most advantage from the repeal of the malt tax; but, at any rate, they were all Englishmen. He did not believe that even the hon. Member for Derby (Mr. Bass) could tell the House what proportion of benefit would go to the quart pot, and what to the barley-grower; but the advantage would be among ourselves, and that was a double reason in favour of a reduction of the malt tax. It was impossible to say whether the Amendment of the hon. Baronet the Member for Kent could be agreed to without endangering the revenue. He had heard some hon. Members had tasted the beer made from malt and that made with linseed, and had hit upon the linseed as the true beer. If that were true he did not see the value of the reduction to the revenue. He did not want however to look a gift horse in the mouth, and if the Bill would be any good to anybody by all means let it pass. He must, however, protest against the measure being offered as an answer to the general demand which had grown up for the repeal of the malt tax.

Mr. DODSON said, he could not help thinking that the right hon. Gentleman had somewhat begged the question in declaring that this Bill would be inoperative. The measure was simply of an experimental and temporary character. It had long been a moot point between agriculturists and philosophers, and between agriculturists themselves, whether malt was valuable for feeding purposes. The farmers had been asked why they did not settle the question by experiment, and they replied that the malt duty was too heavy to admit of it. Well, the Chancellor of the Exchequer came down with a Bill to facilitate the experiment, by allowing it to be made with untaxed malt. The Bill was only temporary, but if it should turn out that malt was really valuable as an article of food, before five years had expired other measures would be adopted to give further facilities for its use. He agreed with the hon. and learned Member for Suffolk (Sir FitzRoy Kelly) that that was not the time for entering into a discussion on the larger question of the abolition of the malt duty, nor was it the time for considering the special operation of the malt tax in Ireland. When the financial statement of the Chancellor of the Exchequer was before the House—or perhaps later in the Session—he had no doubt that the question of the malt duty as a tax on beer would be brought before the House, and he would then be prepared to express his opinion upon the subject. He hoped that the Bill would be allowed to go into Committee, in order to consider the merits of the Bill in detail. The right hon. Member for Oxfordshire (Mr. Henley) had said, "If you get a reduction of the malt duty the whole of the benefit will be received at home, however it may be divided between the grower of the barley and the brewer and consumer of the beer; while the benefit accruing from the reduction of the duties on wine and brandy were divided between the foreign producer and the home consumer." That was true only within certain limits. There could be no doubt that the reduction of a tax on foreign commodities consumed in this country was a relief to the home consumer and the foreign producer. But relief given in the case of an excise duty had this advantage over the relief given in the other case—that the immediate benefit was divided between the home producer and the home consumer.

Mr. DUTTON said, he could not support the Bill on any understanding that the great question of the repeal of the malt duty was to be dwarfed down to such a measure. The time had arrived when some experiment ought to be made, in order to solve the doubts which were entertained as to the utility of malt for feeding purposes. The Bill certainly was one of a very unsatisfactory character, clogged as it was with so many restrictions, but these restrictions were almost unavoidable, owing to the difficulties which surrounded the question. The proper place to deal with the details was in Committee, and he trusted the right hon. Gentleman would look at the matter in a more liberal spirit, and render it more satisfactory to the agriculturists.

Mr. BENTINCK said, he regretted that the hon. Member for East Sussex (Mr. Dodson), who spoke so well in favour of the abolition of the hop duty, had not spoken in the same strain in favour of the abolition of the malt duty. The hon. Member said that that was merely an experimental measure. That was quite true, but the measure was so clogged by restrictions that it would prevent any experiments from being made, and if the Bill were passed in its present shape it would be no boon to the agriculturists. The hon. Member for West Suffolk had stated that he had no intention of opposing the Bill, He had not been able to gather from the observations of the right hon. Member for Oxfordshire whether he intended to oppose it or not; but unless some of the restrictions proposed by the Bill were removed, he (Mr. Bentinck) thought the House would do well to throw it out on the third reading. The right hon. Gentleman appeared to be of opinion that the Bill would do no harm, inasmuch as it would be inoperative, but that it might be looked upon as staving off the question of the repeal of the malt duty. That probably was the object of the Chancellor of the Exchequer in proposing the measure. But he did not believe it would have that effect, for the feeling of the country was thoroughly roused to the injustice of the existing duty on malt, and therefore it was a matter of little consequence whether the present measure passed or not, because it would not affect the main question of the repeal of the malt tax.

Mr. WALTER said, he thought that

the wide range which the discussion had taken had rather tended to make hon. Members forget the circumstances out of which the measure had arisen. As the representative of an agricultural county, he could speak from his own knowledge that it had been simply taken up as a farmers' question. There had been a grievance, more or less well founded, that the malt tax on beer had also operated as a tax on food. That was the view put forward by the farmers, and the question was, whether that grievance would be best redressed by removing the whole of the tax as it affected the farmer, or a portion of the tax as it affected the whole of the community, the farmer included. He thought that the agriculturists would prefer to be relieved from the whole of the tax as it affected themselves, rather than from that portion which affected the malt trade and the rest of the community. He understood that the object of his right hon. Friend the Chancellor of the Exchequer was, to ascertain by a large experiment of the kind proposed by the Bill, whether or not, without trenching on the large revenue produced by the malt tax as a tax on beer, Parliament should relieve the farmer from the whole of that tax as a tax on meat. And it only entangled the question to introduce into the present discussion, however properly they might be debated at other times, such topics as whether a tax on beer was a proper tax, or whether it was proportionate to the taxes on spirits, wines, and other articles of consumption — matters which really did not bear on the question before the House, as to the best mode of relieving the farmer from a tax which might be regarded as a tax on meat. He did not cherish any sanguine expectation—nor had he heard of any one who did—as to the operation of the Bill. The House was, however, bound, he thought, to give it a fair trial. It would be a great gain not only to the Chancellor of the Exchequer, but to science, if it appeared possible to take off the tax as a malt tax, but without interfering with the malt tax regarded as a tax on beer. The House would, for these reasons, do well to permit the experiment to receive a full and fair trial. Whenever the time came for considering the malt tax as a tax on beer, it should be discussed on its own merits. It opened up a very large question. The hon. Member for Oldham (Mr. Cobbett) brought the House back to old times, when every labourer brewed his own beer, and he understood the hon. Member to attribute the cessation of the practice to the malt tax. It was possible that other causes might have operated to prevent the labouring man from brewing his own beer. [Mr. BASS: Hear, hear!] Large breweries did not then exist, and it was generally found cheaper and better to manufacture such articles on a larger than on a smaller scale. Then there arose the important question, how the total repeal of the malt tax would affect the revenue from spirits. Some hon. Members held that the repeal of the malt tax would lead to a greater consumption of beer and a smaller consumption of spirits. That was a question of fact, but it admitted of very great doubt. His belief was, that the consumption of beer and spirits was affected by very different causes. In large towns, where the people lived in an impure air, and followed sedentary employments at their own homes, it was found that the nervous system was so depressed by the unhealthy atmosphere, that strong stimulants were drunk to keep them up; while for those who lived in the country, and worked in the open air, beer was the natural beverage. These considerations had a great deal to do with the question of the malt tax. Meanwhile, however, and until these questions came on for discussion, he trusted that the Government would be allowed to proceed with the Bill. The House, by passing it as an experimental measure, would then be better enabled to judge whether it could by-and-bye proceed to the repeal of the whole tax.

LORD JOHN MANNERS said, the hon. Gentleman who had just sat down had in some measure begged the whole question. The House had been invited to proceed with the Bill on the understanding that it would relieve the farmers of the whole tax upon malt; but he did not believe that would be the case, and the reason was that the restrictions were so great that it would be practically inoperative. Why was it that all practical men declared that the Bill would be inoperative, and that those who represented the farmer almost repudiated it? Why, too, were so many restrictions imposed? In consequence of the existence of the malt tax. Therefore, as practical men in discussing the measure, they could not shut their eyes to the existence of that tax; and he found no fault with those who represented the farmers calling the attention of the Government and of Parliament to the great grievance which the malt tax imposed upon them. The result of the discussion had shown an agreement on both sides, that the question could not be settled until the Chancellor of the Exchequer, be he whom he might, dealt boldly with the subject of the malt tax. He believed he did not exaggerate when he said that nine out of every ten Gentlemen had said that one-half of the malt tax must be taken off. When his right hon. Friend (Mr. Henley) was a member of Lord Derby's Government in 1852, that was precisely what Lord Derby's Government proposed to do. And who, he would ask the farmers of England, was the gentleman to whose opposition was mainly due the defeat of that proposal? Why, the right hon. Gentleman the Chancellor of the Exchequer. He could not, therefore, be surprised when those who represented the interests of the farmers in that House, did not place very great confidence in the intentions or the proposal of the right hon. Gentleman. He regarded the Bill as one of those financial bubbles with which the right hon. Gentleman amused his leisure hours by blowing, and he had no expectation that the farmers of England would derive any benefit from any one of its odious and restrictive clauses. That was, perhaps, no good reason for going into Committee on the Bill and endeavouring to improve it, if possible, which could only be done by some such Amendments as those suggested by the hon. Members for Kent and North Warwickshire; and in Committee, if those Amendments were proposed, he would be happy to consider them.

Mr. GODDARD said, the Bill was not consistent with the principles of free trade. He was prepared to go into Committee on the Bill, because there could be no doubt that it would be a modicum of relief to the farmers to be enabled to malt their own barley, although he admitted that this was but a very poor relief for that generally acknowledged injustice—the malt tax.

Lord ROBERT MONTAGU said, he had listened with attention to the speech of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), and he concurred with him in wishing it were possible the whole of the malt duty might be repealed. That, no doubt, would be a great advantage. No one liked any tax at all; but the only question was whether it would not be necessary, if the malt tax were repealed, to add considerably to other taxes. The agriculturists would, no doubt, be glad to see the right hon. Gentleman become Chancellor of the Exchequer; but then they would consider him bound to do what the present Chancellor of the Exchequer was asked by him to perform. He was not without hopes that right hon. Gentlemen on that (the Opposition) side of the House, if they came into power, would be able to take some such step. In 1852, as the noble Lord the Member for North Leicestershire had stated, Lord Derby's Government proposed that half the malt tax should be taken off. Doubtless, circumstances must have prevented them in 1859 from making the same proposal. But he sincerely hoped, for the sake of his constituents, when next they came into power, they would propose that the whole tax, or at least half of it, should be taken off. It had been objected to the Bill that linseed could be mixed with malt, and that spirits might be distilled from such a mixture. Had any hon. Member really tried the experiment, or was this a mere notion? He had not heard that malt mixed with linseed was not good for feeding purposes. On the contrary, he remembered that Professor Liebig expressly stated that barley, in order to make it good for feeding, should have a mixture of linseed. The hon. Member for Lincolnshire said they could not be benefited by this Bill, because the mixture itself was bad, and would be rendered useless for feeding by reason of adulterations. Why, if the mixture were bad, adulteration could scarcely make it worse; therefore the inference was that the mixture itself was a good one. An hon. Member opposite had said that they would be enabled to brew beer from the mixture. Had that been done? When the hon. Member for Derby (Mr. Bass) mentioned that he had tried the experiment of brewing beer from this malt, mixed with linseed, and had sent up two casks to enable hon. Members to judge for themselves, he (Lord Robert Montagu) left the House in order to taste it, and he found that though what was in one of the casks was very good, what was in the other was very nasty, and he should be very sorry indeed to drink it. Why should they take vague notions in preference to the opinions of those scientific men whom the Chancellor of the Exchequer had employed? The hon. Member for Lincolnshire said the Bill would be quite inoperative, because it would not be worth while for the farmers to erect machinery for grinding the barley. That was inconsistent with the argument of the right hon. Gentleman the Member for Oxfordshire, who said that it would be a most useful article of food; if so, surely they might erect machinery to provide it. He thought, however, that all these arguments in favour of a total repeal of the malt tax, and those about the making of spirits and beer, had nothing to do with this Bill. They did not know what the right hon. Gentleman intended to do with regard to the malt tax. The right hon. Gentleman said to the agriculturists, "I do not say I am now in a position to repeal the malt duty, or a part of it, but this much I will do for you, as malt is a useful article for feeding cattle, I will give it you free from tax." For these reasons he was in favour of going into Committee.

VISCOUNT HOLMESDALE said, he did not dispute the fact which hon. Gentlemen had stated, that this was an article of such value as food for cattle that it would be worth while to erect buildings for the purposes of malting; but what he did dispute was, that coupled with all the restrictions which the Bill contained it would be worth while to do so. If hon. Gentlemen examined the Bill they would find the first four sections of the Bill contained stringent and vexatious restrictions, which would be most onerous to the farmers. With regard to the general question involved in the Bill, he had to state that he represented a large agricultural constituency, and that he had heard but one opinion among the farmers on the subject of the Bill, and that was, that the measure would be wholly inoperative; that any experiments that might be made in consequence of its passing would be confined to people of large capital, and that in consequence of the limited scale on which alone it could be applied it would prove practically valueless. They believed that it would do neither any good nor any harm, and because he was of that opinion he had no objection to consider its details in Committee.

MR. MORRITT said, he wished to read a passage from a letter which he had just received from a farmer in the North Riding of Yorkshire, who was one of the largest cattle breeders in this country. That letter would, he believed, afford a fair indication of the views which the farmers of this country generally entertained with respect to the probable operation of the Bill. It contained the following statement:—

> "I shall be very glad to give you the ideas of myself, and I believe the majority of the farmers in this district. There can be no doubt that the proposed Bill is a mere clap-trap to stop the mouths of those who are agitating for a total repeal; the whole machinery of the Act is most clumsily put together, and cannot help proving a total failure. The system of excise is so oppressive that the farmer would be foolish indeed who would ever attempt to come under the supervision of the exciseman, who would be able to enter on the premises of the unfortunate maltster at all hours — even the dead of night, as I know has been done in my own neighbourhood. Who would be foolish enough to build a malt kiln when he would be liable at any hour to be pounced upon by those too officious officers?"

To that communication he (Mr. Morritt) could add that it was the opinion of the majority of the farmers in his district that the Bill would be productive to them of no benefit whatever. He did not know whether or not it would be of any advantage to any other people, but he hoped that the House would not for a moment imagine that even though it should be passed it would prevent the agricultural party throughout the country from agitating for a repeal or a reduction of the malt tax.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have now for many hours listened to the arguments of hon. Gentlemen upon the malt tax, but I do not complain of that circumstance, because I think it very natural that advantage should be taken of the occasion to advert to that very important question; and, holding the position which I do, it is not without a qualified satisfaction that I see hon. Gentlemen who are interested in the repeal of the malt tax taking steps to bring home to the mind of the public, and of those classes especially concerned, what they think the conclusive merits of their case. If the House will have the kindness to consider my position with respect to this tax, I think they will see it is natural enough. The more urgent demands at present made for the remission of taxes affect, upon a rough calculation, only about £20,000,000 of the public revenue. The repeal of the income tax is a question of £8,500,000. The reduction of the sugar duties one of £1,500,000. Half the malt tax is a question of £3,000,000. The reduction of the spirit duties to 8*s.*—and this is a matter which is pressed sometimes by Irish representatives and sometimes by distillers—involves some £2,500,000. Fire insurance, a very favourite subject, is a question of £1,500,000. The duty upon certain raw materials is a matter of £1,000,000.

The reduction of the duty on conveyances, for which there is much to be said, is a question of £750,000. And that on pepper and other minor articles £500,000. And, on the whole, there is a sum of £19,250,000, which is made the subject-matter of the more immediate demands for the reduction of taxation. And yet hon. Members talk about a surplus of £2,000,000. It has been said, on high authority, "In the multitude of counsellors there is wisdom." I hope it will not be considered an irreverent paraphrase if I say that, in certain positions, in the multitude of enemies there is safety. The rival schemes for reduction should all be brought out in open day, and there they should be allowed to knock their heads against each other to prove which of those heads is the hardest, and I have not the slightest doubt that in the end justice will prevail. I will, however, pass to the subject under consideration. The hon. Member for Derby (Mr. Bass) made a computation of the percentage amount of the beer duty and the French wine duty, which is a lower duty than that upon the strong wines, and according to that computation it appears that the duty upon beer is 25 per cent, and upon French wines 27½ per cent. I am prepared to dispute his estimate of the duty upon wine. I do not deny that the duty upon claret at 102*s.* is almost inappreciable; but my point is that we must look at the duty upon the description of wine which comes into competition with beer, and then it would be seen that the complaint as to the relative duties is not so well founded as might be imagined. But the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) used an argument which seemed to meet with great approval on his side of the House. He spoke of the immense advantage which would accrue from all the gain from the reduction of the malt tax being kept in England. His argument is, that it is better to pay 10*s.* to an Englishman for an article than 8*s.* to a foreigner. I confess that appears to me an argument which, if admitted, would carry us a long way backwards in the whole course of financial and commercial legislation in which we have been engaged for a long time. The right hon. Gentleman observed that there was a gradation in the scale of duties, the spirits being highest, the wines next, and the beer lowest, which he appeared to approve, and on that account he thinks the malt has a right to be reduced. I apprehend it is perfectly true that beer is weaker than spirits, but it is beyond dispute that tea is weaker than beer; and if we proceed on this principle of classification, that the ratio of duties should be as the strength of the liquor and its intoxicating qualities, it appears to me that the results should be very carefully considered before we come to deal with the repeal of the malt tax.

I come now to the particular Bill before the House, and here I will endeavour to speak explicitly, intelligibly, and candidly, although with due respect. The objections to the Bill have been mainly that the Bill will be inefficient, that it will be demoralizing, that it will be a possible obstacle, opposed by the Chancellor of the Exchequer, to the repeal of the tax, and that it will be a danger to the revenue. As regards the first two objections, I may leave them, in some respects, to knock their heads together; for, if it will be totally inefficient, as the hon. Member for Essex (Mr. Ducane) says, how, then, can it be demoralizing to those two classes of the purest character, the farmers and the maltsters? If this Bill be really dangerous to the revenue, as the hon Member for Derby alleges, I can only say I shall be very glad for the sake of the revenue that its dangers should be pointed out by a man of intelligence and authority. My hon. Friend offers me a cask of beer. But will he give me a choice of his casks? If so, I should not have the least hesitation as to the choice I should make. But if instead of giving me a choice he gives me a cask of linseed beer, I will accept it on this condition—that he never puts to me the disagreeable inquiry as to what portion of the contents of the cask I may consume. I believe that some hon. Members have been engaged in bringing the matter to a practical test, and I have heard very different reports of the result. I have been told that the new beer is decidedly better than beer brewed from malt and hops. If that be true I shall rejoice. I may be sorry for the failure of my Bill, but I shall be infinitely more pleased to think that there is, as my hon. Friend seems to think, a brilliant prospect opened to my countrymen of brewing beer from a new material. I will now state to the House some information of which I am in possession. The Government, and the Government only, are responsible for this Bill; but we never concealed the fact, that we rely upon the experience, the knowledge, and the proved accuracy of our scientific and permanent advisers. I hold in my hand a letter written by Mr. Matthews, principal manager of the brewery of my hon. Friend (Mr. Bass) at Burton-on-Trent, and that letter sets forth, at no unnecessary length, but in precise detail, the various steps in the experiments which have been made by my hon. Friend in connection with this matter. I will not read that letter, but I will read the reply of Mr. Phillips, the head of the Scientific Department of the Board of Inland Revenue. It is as follows:—

> "The samples of linseed meal and of linseed cake forwarded by you on the 20th instant have been carefully examined, and found to be largely adulterated. The 'meal' contains, besides linseed, wheat bran, nut cake, charlock, and rapeseeds, wheat, oat, and pulse starches. The 'cake' contains, beyond linseed, rape and charlock seeds, wheat, oat, and pulse starches, with traces of dodder seed. The samples both of the malt and linseed cake used by you in your experimental brewings of beer from a mixture of the two substances are not what we should recognize, as they are not ground to a sufficient degree of fineness, and the linseed, even were it pure, we should reject as being greatly deficient in mucilage."

It has been said that there is a very great adulteration of linseed and linseed meal, and that it would be impracticable for the Revenue department to check those adulterations. But the responsibility of ascertaining the purity of the cake the Inland Revenue are quite willing to undertake. So impressed, however, am I with the experiments of my hon. Friend, that I will not carry the Bill out of the House until these experiments are concluded. But there is one vital element in the case which his experiments have not taken into account, and that is the element of cost. I have no doubt that if all the resources of science were brought to bear upon the subject, the result might make the malt which might be separated from the linseed yield a beverage even as fine as the incomparable beer with which my hon. Friend gladdens the whole of us. But what chymistry and skill can do is one thing, and what trade can do, with a view to remunerate itself, is another. I stand not upon the impossibilities, but upon the difficulties with which the question is surrounded. From all the information which I have received, I feel confident that the skill of the Revenue Department, on which I have so often placed full reliance, will be vindicated in this instance as in so many others. And now a few words with regard to the exact position and purposes of this Bill. The hon. Members for Hampshire and West Norfolk have spoken of changes to be introduced into it. May I take the liberty of saying that I think the speech of my hon. and learned Friend the Member for Suffolk (Sir FitzRoy Kelly) contained the pith and sense of the whole matter? This Bill is an experiment, which may or may not be important in its results, but it is an experiment with regard to which we are absolutely bound to take every security for guarding the revenue. Now, it will be obvious, from the very nature of the case, that we and we only can be responsible for the efficiency of our securities. If, therefore, owing to their desire to give a greater latitude to the operation of the Bill, hon. Gentlemen force upon us Amendments which we cannot accept, it would be impossible for us to proceed with the Bill. I am bound to say, with regard to the Amendments on the paper, they are not admissible. We cannot accept other articles which would not give us the same security as linseed cake. Now, that is a frank declaration which I wish to make in order that hon. Gentlemen may take it into account. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley), says that all the communications which he has received came very much to this—that the Bill would do no good; but the communications which the hon. Member for Essex (Mr. Ducane) has received are not exactly to the same effect, for it appears they seem to say—

"Timeo Danaos et dona ferentes."

It may be very difficult for the farmer to malt for himself under this Bill, a conclusion to which some appear rather rapidly to have come, and if it were in my power I should be very glad to relieve him. But if I were to do so it would simply be to abandon £6,000,000 of revenue. But it does not follow that because he cannot do all that he would, the farmer is therefore to derive no benefit from the Bill. The farmers of the North Riding of Yorkshire are of opinion that the Bill will do nothing, but the maltsters of the West Riding, on the contrary, are fearful that under the Bill, as it stands, there will be large operations, and they declare themselves seriously alarmed as to the obstructions to their trade. But all interests out of doors are generally too much alarmed upon the examination of measures of this nature. I will freely admit it would be desirable to enable the farmers to prepare their own malt under the conditions of this Bill or some other. But it is possible for a maltster to prepare the malt more cheaply than the farmer could do it for himself; because his regular malting is confined to six or seven months of the year, and for the rest of the year his buildings are useless. Those buildings might, then, be applied to malting for feeding animals, and might be so used without the necessity of having any new bond or licence. If a good article could be provided under the provisions of this Bill, then, even though the farmer himself might find it inconvenient to submit himself to the Excise, yet he has got his maltster at hand with machinery and men unemployed for about five months in the year. However, I make no prophecy as to the extent to which this Bill will work. If the Bill should be passed, the responsibility of carrying it into effect properly will rest with us; and if the Bill should be inoperative, then, this deep-laid plot, which has been attributed to me, of desiring illegitimately to intercept the discussion on the malt duty, will totally fail; because the Bill would remain a dead letter, and it would be absurd for me to urge the passing of it as an argument against the repeal or reduction of the malt duty. If, on the other hand, the Bill should be found to operate, a great good will have been done to various classes. Every tax is more or less a grievance, but there is no reason why, on the back of the necessary grievance, we should build up other grievances; and as the hon. Member for Sussex (Mr. Dodson) pointed out, nothing can be more clear than your title to urge the claim of malt for a remission or repeal of duty, as an article of drink, quite independently of the inconvenience arising from the present restrictions upon malt as an article of food for cattle. These restrictions are of no benefit to the Exchequer; and, if operative, they are a burden to the agriculturist, and an injury to the nation. Surely, then, it is most unnatural policy to say, "Let this tax continue, not only with what inseparably belongs to it, but with all the adventitious vices pervading it. Do not let us liberate it from any of them for fear we shall interfere with and reduce the force of the agitation against it." As has been justly observed on the other side of the House, if the Bill is found to work beneficially, there will be every inducement on the part of Members of the House to come down and say that the working of this measure has proved that you may part with this restriction and with that restriction, and the restraints thus adverted to might possibly at some future period be diminished or removed. As I am not able to accede to any of the modifications proposed by hon. Members, I have been anxious to place the House in entire possession of the case. If any hon. Member thinks the Bill inconvenient to Ireland, it will be competent for him to move the omission of Ireland from its provisions; but if with the aid of the Irish Members he succeeds in carrying that proposition, I hope we shall never hear of it afterwards as a grievance to Ireland. I hope the House will pass this Bill, from which I cannot anticipate any evil to the farmers or to the community at large, but which, I think, affords some hope, at any rate, of benefit, great or small.

Motion *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Malt may be made and used, free of Duty, in the Feeding of Cattle).

THE CHANCELLOR OF THE EXCHEQUER said, that with reference to the verbal alteration suggested by the hon. Member for Lincolnshire (Mr. Packe), on a former occasion, he had been advised that the word "cattle" was sufficient, but to avoid all difficulty he would move the omission of the word "cattle," and the substitution instead of the word "animals."

Amendment *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER observed, that if the hon. Member for East Kent (Sir Edward Dering) was disposed to raise a discussion on the clause he had given notice of proposing, the best course would be to postpone the Committee, for it would not be in his power to remain longer, but he assured the House that his departure was not a voluntary act on his part.

SIR EDWARD DERING said, it was his full intention to go on with the Amendment of which he had given notice.

House *resumed.*

Committee report Progress; to sit again on *Friday.*

POOR RELIEF.—NOMINATION OF COMMITTEE.

Ordered, That the Select Committee on Poor Relief do consist of twenty-one Members. Committee *nominated—*

MR. VILLIERS, SIR JOHN ACTON, MR. BAZLEY, MR. BOUVERIE, SIR GEORGE BOWYER, MR. CAIRD, Lord ROBERT CECIL, Lord FERMOY, Lord EDWARD HOWARD, Sir WILLIAM JOLLIFFE, Mr. LOCKE, Mr. LOWE, Mr. LYALL, Mr. KEKEWICH, Mr. NEATE, Colonel PENNANT, Mr. Alderman SIDNEY, Mr. TOLLEMACHE, and Mr. WALPOLE:—Power to send for persons, papers, and records; Five to be the quorum.—And on Feb. 29, Mr. BULLER *added;* and on March 2, Sir WILLIAM MILES *added.*

House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Thursday, February 25, 1864.

MINUTES.]—SELECT COMMITTEE — on Opposed Private Bills, *appointed* and *nominated* (*see* page 1063).

PUBLIC BILL — *First Reading*—Insane Prisoners Act Amendment* (No. 14).

UNITED STATES.—THE AMERICAN CORRESPONDENCE.

The EARL of DERBY: My Lords, seeing the noble Earl the Secretary for Foreign Affairs in his place, I wish to recall his recollection to a conversation which took place in this House about a week or ten days since, with reference to the production or non-production of the Correspondence which had passed between Her Majesty's Government and the Federal States of America with regard to injuries sustained by American commerce, or apprehended, from vessels launched in the ports of the United Kingdom. On that occasion I stated—almost tediously, I am afraid, for I repeated it more than once—that the Correspondence for which I asked was simply that between Her Majesty's Government and the Federal States of America; and that I did not in the slightest degree ask for any Correspondence that would prejudice any trial or question now under adjudication in our courts of law. The papers for which I asked were simply those which I thought were necessary, in order to show whether Her Majesty's Government had vindicated the honour of this country, and whether they had scrupulously adhered to the principles of international law with regard to our neutrality. The noble Earl answered me that he was unable to produce the papers; for that—in spite of my disclaimer—they were papers that would injuriously affect a cause that was still pending, and which was not likely to come on before May next at the very earliest moment. The noble Earl said he could not produce them, and that he was fortified and strengthened in the way he was acting by the authority of the Law Advisers of the Crown. My Lords, I could not defer to the noble Earl's argument, but I did defer to the authority of his position in the Government, and also to the authority of the eminent persons on whose advice he acted, and I refrained from pressing for the production of the papers. I may say that I had, in my statement on that occasion, observed that there could be no great secret to be disclosed by their production, as all the papers I had asked for had already been laid by the United States Government before Congress; thereby clearly showing that the papers for which I asked were only those that had passed between the two Governments, and could have no bearing on the question now pending between Her Majesty's Government and individuals in this country. My surprise, therefore, was very great when, on looking into the Proceedings of the other House on Tuesday night, to find that a Motion having been made by an hon. Friend of mine for the production of two classes of papers—the one that for which I had asked and had been refused, and the second the Correspondence that had taken place between Her Majesty's Government and the Messrs. Laird, the builders of the steam rams—Her Majesty's Government signified that the class of documents for which I have asked in this House, and had been refused—the Correspondence between Her Majesty's Government and the United States—would be laid on the table of the House of Commons—mainly, or exclusively indeed, on the ground that it included the second series of these papers. I cannot myself see any valid objection to it, as all the papers are in the possession of Messrs. Laird, who have not only copies of their own letters, but the original letters also that were sent to them by the Government, which if they saw fit they might send to the newspapers and make public to-morrow morning. In its discretion, however, the House of Commons decided that these were papers which were unfit to be produced at this moment. These were the papers for which I had not asked; but for the papers for which I did ask it was distinctly stated by more than one of the noble Lord's Colleagues that there was not, that there never had been, and that there could not be, the slightest objection to make that Correspondence public. And in answer to a most able—though not more able than usual—speech of an hon. and learned Friend of mine who had carefully gone into the whole of the arguments, it was said on behalf of the Government that my hon. and learned Friend had thrown away a great deal of useful time, and a great deal of admirable eloquence, in arguing in favour of the production of the papers, to the production of which he must have known there never was, that there never had been, and that there never could be, any possible objection. As if to make the contradiction stronger of the views entertained by the Members of Her Majesty's Government, it is a fact that the hon. and learned Gentleman who threw out this taunt against my hon. and learned Friend was Her Majesty's Solicitor General, upon whose authority and advice the noble Earl told us he had been induced to withhold them. The circumstance is one which, I think, indicates pretty clearly the amount of concert which exists between Members of the Government. I do not, however, wish to go into that question, although I feel bound to observe that the case does not stand alone. About a fortnight ago, a Motion was made in the House of Commons for the production of the papers relative to the *Saxon*, but the papers were refused, inasmuch as it would be injurious to the public service to produce them. A few days after, a noble Friend of mine (the Earl of Carnarvon) moved in this House for their production, and they were granted without a moment's hesitation. The noble Earl said the papers were wholly innocent, and that it was quite right for Parliament to ask for them, and for Parliament to have them. My Lords, I have not quoted this second case for the purpose of making more manifest that want of proper concord, agreement, and concert that exists between Her Majesty's Ministers in the other House and the noble Lord opposite, but I have done it for a much more important reason. We have hitherto been used to lay so much stress on the declaration of a Minister of the Crown, made in his place in Parliament, and on his official responsibility, that the production of papers would be injurious to the public service, that it not only puts an end to any debate on the subject, but it puts an end to the question for the time being. It is most essential for the interests of the country that it should be so. It is most important that there should be this honourable confidence between Parliament and the Government; but if we find this answer is given so lightly and so capriciously—that papers are given in one House and refused in another — papers here granted and there refused—here refused and there given without one word of objection—if we see this answer thus contradicted by the acts of the Government—it will be impossible for this declaration to retain that weight with Parliament which it ought to have, and which up to this time it has had. It is necessary that I should call your Lordships' attention to this striking divergence of opinion between the Members of Her Majesty's Government in the two Houses of Parliament; and I put the question, whether, inasmuch as these papers have been presented to Congress, and also to the House of Commons, does the noble Lord still think it would be injurious to the public service to lay them before your Lordships? And also, if the noble Earl has changed his opinion, whether he will be so obliging as to inform us what circumstances have occurred in the short interval since the last discussion which have effected a revolution in his mind as rapid and as complete as that which the noble Lord has stated to have occurred with regard to the detention of the steam rams between the 3rd and the 6th of September last.

EARL RUSSELL: The statement of the noble Earl would be very striking if he had correctly remembered the facts of the discussion to which he alludes. The noble Earl has represented the case as if I had stated that the production of the Correspondence to which he now alludes between Mr. Adams and me was dangerous to the public service, and that I was supported in that opinion by the Attorney General and the Law Officers of the Crown. My statement if I recollect it rightly—and I think I do—was not that the production of the Correspondence as relating to the United States and this country would be dangerous, but that the Attorney General was of opinion that its production would lead to incomplete discussion in the House of Commons upon partial data and information, and therefore would be injurious to the case of the Crown in a cause which is coming on in a court of law. As Secretary of State I did not feel authorized in giving papers to Parliament when the principal Law Officer of the Crown told me their production would be injurious to the cause of the Crown in a case to be tried in a court of law. That is an entirely different statement from that which the noble Earl represents me as making—that I thought there would be some public danger in the production of those papers. The change which has taken place has taken place in the mind of the person who objected to their production. It was not I who made the objection, but my hon. and learned Friend the Attorney General. On reconsidering the matter he told me he had come to the opinion that the papers could be produced not entirely without mischief, but without all the mischief which he apprehended. The objection of the Attorney General being waived, my objection is waived too, because I have no other objection than that which he stated. At the same time, I think it very probable that the production of those papers will have some mischievous and bad consequences attached to it; because now it seems to be thought, although I do not remember any former time when it has been thought, that nothing can be so proper, so becoming, so Parliamentary, when the Crown is proceeding in a court of law, as to endeavour to get the whole case of the Crown brought out first in the Houses of Parliament, and thereby to damage the cause of the Crown in a case which they have pending in a court of law; and I am afraid the production of these papers will have something of that effect, though the Attorney General thinks that objection may be waived. With regard to the other papers referred to by the noble Earl, the case is not quite what he imagines it to be—that papers, moved for and refused in the House of Commons, were at once granted in this House. The fact is, that when my noble Friend moved for a general account of the number of cases between the United States and this country, I did object, and I said that there were in the Foreign Office twenty volumes of papers already bound, and matter for twenty volumes more, the production of which would be very inconvenient. The noble Earl (the Earl of Carnarvon) then explained to me that he did not require all the papers—that he wished to have, in fact, a list of the cases upon which claims had been founded, whether for personal injury or loss of property, and I thought there might be some convenience, and, at all events, no objection, in having such a list made out. I have inquired how soon it can be done, and I find the making out the list will take about two months or upwards. I do not propose to give more than that list. I do not propose to give the despatches which were moved for in the House of Commons, except in one particular case, with regard to which the noble Earl (the Earl of Carnarvon) threw some doubt on the conduct of the Government. The case is that of a mate of a merchant vessel who was killed, where it has been imputed that the Government did not show proper earnestness in requiring the accused person to be brought to trial. I thought there ought to be no doubt in such a case, and that if the Government have done wrong it should be known, and that if the Government have shown proper activity it should also be made clear. The course taken in the House of Commons is therefore not contradictory to the course which I have taken with regard to those papers. Neither is there any difference between the Attorney General and myself, because the objection to the other papers being produced was made on account of the Attorney General, and not on account of the foreign affairs of the country.

Lord CHELMSFORD: My Lords, I think the noble Earl who has just sat down is a little inaccurate in his account of what passed on the Motion for the production of these papers. My noble Friend (the Earl of Derby) has referred to what occurred when he made his application, and when he drew the clearest distinction between any papers which might affect the trial in the Court of Exchequer and those which he distinctly stated could have no influence over it, namely, the correspondence that had taken place with the American Government. He also distinguished between that correspondence and the one with Messrs. Laird, which might undoubtedly have some influence on the trial; and further stated that, with regard to the American correspondence, there could be no objection to its production, as it had been already laid before Congress. The noble Earl the Secretary of State for Foreign Affairs has said that he acted originally on the advice of the Attorney General, who had since changed his mind, and it was but natural that the noble Earl should also alter his opinion. Will the noble Earl be good enough to tell us when it was that the Attorney General changed his mind, and when the Attorney General communicated the fact of this change to the noble Earl? And further, why, if the noble Earl learnt before to-day, or before the discussion in the House of Commons, that the Attorney General no longer objected, he did not come down and tell us that the objection originally made on the advice of the Attorney General no longer existed; and, therefore, that the papers might be produced? There is another thing which requires a little explanation. It seems that this opinion, that there could be no objection to the production of these papers, must have existed some time ago, and before the discussion in the House of Commons took place; because, if I am rightly informed, the Solicitor General taunted my hon. and learned Friend (Sir Hugh Cairns) who insisted in a most able speech on the production of the papers, with having known that there could be no objection to their production. Therefore, the noble Earl must have been aware there was no objection before the discussion in the House of Commons, and I think it was due to your Lordships that the noble Earl should have come and told us at the earliest moment, that a portion of the papers moved for would be given, instead of compelling my noble Friend to point out the mode in which Parliament has been treated.

Earl RUSSELL: The noble and learned Lord seems to think that I ought to have taken his advice instead of the Attorney General's opinion.

Lord CHELMSFORD: On the contrary, the noble Earl misunderstands me. I said he was right in acting on the Attorney General's advice in refusing the papers; but the noble Earl says the hon. and learned Gentleman has altered his opinion. What I want to know is, when the noble Earl first learnt that the Attorney General had altered his opinion, and withdrawn his objection to the production of the papers?

Earl RUSSELL: I consider the communication between the Secretary of State and the Attorney General a privileged communication, and shall decline to say when it was made.

Lord CHELMSFORD: Can the noble Earl explain why the Solicitor General told my hon. and learned Friend that he must have known there could be no objection to produce those papers.

Earl GRANVILLE: Really I must say I think the points raised by the noble Lords opposite are infinitesimally small. The noble Earl (the Earl of Derby) asked for an explanation why the papers asked for were given in the other House and refused in your Lordships'. Everybody who has heard my noble Friend's explanation must have felt that it was straightforward and satisfactory. When your Lordships consider all that is going on in relation to foreign affairs, the immense complications and anxieties existing, I am astonished that the noble Earl opposite should pursue my noble Friend with questions as to the time and manner in which he received the communications to which he referred; and taxing my noble Friend with such a breach of memory as not to have come down here when the Attorney General said he did not think it longer necessary to object to the production of the papers, to apologize to the noble Earl and produce the papers at once.

The Earl of CARNARVON: The House will excuse me for one moment, as I wish to call your Lordships' attention to what I think is not one of those infinitesimal points, as they are described by the noble Earl opposite, inasmuch as it relates to a promise which I understood the noble Earl the Secretary for Foreign Affairs to have given to the House about a week since in reference to a Motion I then made. My Motion comprised three distinct objects. I moved first of all for a Return of claims made by British subjects on the American Government. All I desired was a tabular statement, and I certainly was surprised to hear the noble Earl say that it would take two months to prepare it. The whole matter might be contained in one or two sheets of foolscap. The second object I had in view was to obtain the Correspondence in regard to the *Saxon*. That was agreed to as recorded in the Minutes. It was a separate and distinct point. That Correspondence, unless my memory deceives me, had been previously asked for in the House of Commons, and refused on the ground that its production would be injurious to the interests of the public service. My noble Friend was, therefore, perfectly accurate when he stated that those papers which had been refused in the House of Commons had been subsequently granted me in the House of Lords. I also asked for a copy of the instructions sent out by the Foreign Office in reference to the seizure of the *Tuscaloosa.* I hope the noble Earl will be willing to abide by the promise he made, and that there will be no difficulty in laying the papers upon the table of this House.

Earl **RUSSELL**: I said that the case of the *Saxon* was one in which the noble Earl imputed to the Government that they had not shown proper anxiety to obtain redress for injuries done to a British subject, and it was right, therefore, that when such a doubt was started that the papers should be produced.

The Earl of **DERBY**: The noble Earl has just made out my whole case. It would, however, render the matter much more intelligible, if the noble Earl would tell us the precise moment at which the Attorney General changed his mind. My case was, that the papers had been refused in the one House as being injurious to the public service, and granted in the other as not being injurious to the public service. The noble Earl, however, declares that he had changed his mind on the subject in consequence of a privileged communication we have now heard for the first time which he had had with the Attorney General.

DENMARK AND GERMANY—INTEGRITY OF DANISH MONARCHY—THE CORRESPONDENCE.—QUESTION.

The Earl of **MALMESBURY**: My Lords, there are some other papers which I wish to ask the noble Earl opposite a question about—I mean the Danish papers. We have received a portion of the Danish papers this morning, after waiting a much longer time for them than I believe to have been at all necessary. But those papers only begin from January, 1863. I have written privately to the noble Earl, representing the necessity of giving all the papers dealing with this great question from the beginning of the Correspondence —namely, from the year 1850—and comprising that which was continued through the years 1851 and 1852. This portion of the Correspondence is of the greatest importance. It is impossible to understand the whole bearing of the question unless we go back to the years 1850 and 1851, when Lord Palmerston was Foreign Secretary, and 1852, when my noble Friend behind me was in office. A proof of the ignorance which exists in reference to this question, and the impossibility of judging fairly and correctly upon it, may be found in the public papers. I do not think I ever saw the public press so wide of the truth as when dealing with this question. I do not blame it in the slightest degree, because it has really no data to go upon, and it is, therefore, constantly making mistakes. The press has taken the garbled statements of German newspapers and German pamphlets, and extracts from papers published by the French Foreign Office. It has not, therefore, put the whole case before the public, because it has no means of doing so. Both the public and Parliament are really ignorant of what has taken place. I will, however, state what has happened in respect to myself. The other night I recapitulated to your Lordships what I had done during my short tenure of office in 1852, in respect to the Duke of Augustenburg. I knew that what I said was perfectly exact and accurate, for I took care to look over all my memoranda made at the time. But in a day or two afterwards I received a letter from the brother of the Duke of Augustenburg, requesting me, in consequence of my having misstated what had taken place, to retract what I had said publicly in this House. Knowing that what I said was exactly the truth, and that I could prove it if I had the power of producing those papers — which, of course, I had not without Her Majesty's permission — I answered him that I respectfully declined to retract or to modify what I had said. I only quote this fact as an instance of how easy it is for a statement to be made by a man of the importance of the Duke of Augustenburg's brother, which is not quite accurate, and how easy it is to mislead the public as to their judgment. Surely on this question, which is now agitating Europe, the public should be made acquainted with what has taken place—how that Treaty of 1852 was discussed, negotiated, and completed, and what correspondence took place between the various Governments at the time in respect to Schleswig-Holstein and the great German Powers to whom we must attribute the deplorable events that have taken place. I, therefore, hope the noble Earl will have no objection to produce the whole of the Correspondence which took place in 1850, 1851, and 1852, on this subject, and the less so as I am informed it has been prepared.

Earl **RUSSELL**: I have to-day produced one portion of the Correspondence— the Correspondence which took place between the Austrian, Prussian, and Danish Governments in 1851, in consequence of which the Treaty of 1852 was entered into. With regard to the subsequent period alluded to, I should like to communicate privately to the noble Earl about that part of the Correspondence, as I am not at present aware how far that can be produced.

CAPTAIN MELVILLE WHYTE'S CASE.

QUESTION.

THE MARQUESS OF CLANRICARDE asked, Whether the arbitrators in Captain Melville Whyte's case against the Government of Peru had given, or were likely soon to give, a decision in that matter?

EARL RUSSELL said, the last account the Government had received with reference to the matter was that which he had stated to their Lordships a few evenings ago—namely, that one of the Senators of Hamburgh had the papers in his hands for the purpose of making a report to the Senate. He would inquire whether the affair could be expedited.

OPPOSED PRIVATE BILLS.

The Lords following—namely, L. COLVILLE of CULROSS, L. PONSONBY, L. COLCHESTER, L. STANLEY of ALDERLEY, were *appointed*, with the Chairman of Committees, a Committee to select and propose to the House the Names of the Five Lords to form a Select Committee for the Consideration of each Opposed Private Bill.

House adjourned at a quarter before
Six o'clock, till To-morrow.
half past Ten o'clock

* * *

HOUSE OF COMMONS,

Thursday, February 25, 1864.

MINUTES.]—NEW WRIT ISSUED—*for* Hertford County *v.* C. W. Giles Puller.

SELECT COMMITTEE — on Dockyards, *appointed.* (*List of Committee. See* page 1158.)

SUPPLY—*considered in Committee*— NAVY ESTIMATES—R.P.

PUBLIC BILLS — *First Reading* — Grand Juries (Ireland)* [Bill 35]; Penal Servitude Acts Consolidation* [Bill 36].

ARCHWAY AND KENTISH TOWN JUNCTION ROAD BILL.—(*By Order.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. COX rose to move that it should be read a second time that day six months. The road was made as a speculation, and the proprietors were at first authorized to take tolls for twenty-one years. At the expiration of that time their powers were renewed for thirty-one years, unless a debt of £21,974 15*s.* 4*d.* should be sooner paid. There was no debt upon the trust, except their nominal stock of £21,974, not one penny of which had been paid; and this Bill proposed to extend the trust and increase the tolls, which were already very heavy, for a further period of twenty-one years, in order to pay off the debt. Under the provisions of the Act which was passed last year, all other tollbars in the same neighbourhood would in four months' time be removed, and he did not see why this one should be retained. It could not be said that its abolition would operate as a confiscation of property, because, while the receipts last year amounted to only £202, the expenses, exclusive of lighting, were £105; only a very trifling interest had ever been paid.

LORD FERMOY seconded the Amendment. The Bill, he said, was simply an attempt to run the blockade on this question, the matter having already been settled by the previous Act. The toll had been perfectly valueless to the creditors, the holders of the stock, and he thought the toll had better be allowed to expire, as it would do if this Bill was not passed.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Cox.*)

SIR WILLIAM JOLLIFFE said, as a rule, he objected to any interference with the ordinary course of proceeding in the House; but he thought it would be an anomaly to continue this toll, when in a few months the whole of the tolls in the district would be abolished. He thought the continuance of the toll would lead to no satisfactory result.

MR. WATLINGTON hoped that the House would not take the unusual course of rejecting this Bill upon the second reading, but would refer it to a Committee upstairs, in order that it might be seen whether justice to the stockholders did not require that it should be passed.

VISCOUNT ENFIELD said, that he had allowed his name to be placed upon the back of the Bill without informing himself what were its provisions. Now, that he had become acquainted with them, he could not support its second reading.

Mr. MASSEY recommended the House to reject the Bill at once. He could not imagine that any Committee would pass such a measure, and to allow it to go on would only be to encourage the promoters to throw good money after bad. There could be no hope of the Bill passing the Committee, and it would be a mercy to the stockholders to throw it out at once.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

ARMY (EAST INDIA)—CLAIMS OF INDIAN OFFICERS.—QUESTION.

Captain JERVIS said, he would beg to ask the Secretary of State for India, What steps he intends to take with the view of redressing those grievances of the officers of the Indian Army which have been considered by the "Royal Commission on the Memorials of Indian Officers" to have been caused by a departure from the assurance given by Parliament, in the Acts 21 & 22 *Vict.* c. 106, and 23 & 24 *Vict.* c. 100, that the advantages of the late Military forces of the East India Company as to pay, pensions, privileges, and promotion should be preserved to them?

Sir CHARLES WOOD, in reply, said, the hon. and gallant Member must be aware that this question was at once important and, at the same time, difficult to answer. Two noble Lords, two hon. Members of this House, and three gallant officers had been good enough to undertake the inquiry, and on the part of the Government he took the earliest opportunity of expressing his obligations to them. In their Report thirteen cases of alleged departure from the guarantee were referred to, eight of which, in their opinion, involved no real grievance, while in two other cases the departure was only possible. Of the remainder, there was no difficulty in dealing with the case of the promotion of General Officers, on the amalgamated list, because the Warrant had not come into actual operation and application, and its withdrawal, therefore, would remedy the grievance. The greatest difficulty presented itself in the supersession of Officers in the regimental *cadres* by the accelerated promotion of those Officers who had joined the Staff Corps. The simple mode of meeting this case would be at once to cancel the promotion of the Staff Corps Officers; but hon. Gentlemen might well imagine that it was no light matter to cancel the promotions of so many gallant and meritorious Officers, and they would not be surprised to hear that the Government had hesitated to do so. The Members of the India Council, the military authorities, and he himself had been in communication to see if they could devise any measure which would substantially meet the case without inflicting such a hardship as that which would be caused by the measure to which he had alluded. The subject was still under consideration.

EGYPT—THE SUEZ CANAL.

QUESTION.

Mr. ROEBUCK said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether the Government are willing to produce the following Correspondence:—All letters that have passed between the Secretary of State for Foreign Affairs and Sir Henry Bulwer, since the 1st day of January, 1860, on the subject of the Suez Canal; all Correspondence between the Secretary of State and the Ottoman Porte since the 1st day of January, 1860, on the same subject; all Correspondence that has taken place between the Secretary of State for Foreign Affairs and our diplomatic and other agents in Egypt on the same subject, since the same date; and all Correspondence that had taken place between the Secretary of State for Foreign Affairs and the Pacha of Egypt on the same subject, from the same date. Since he had placed the Notice on the Paper he had ascertained that he had made a mistake in the date. The period he intended was the accession of Said Pacha to the Pachalic of Egypt, in 1854.

Mr. LAYARD: I beg, Sir, to state that the papers for which the hon. and learned Member has asked are connected with very important and delicate negotiations, not between this country and foreign Powers, but between two foreign Powers. Therefore it would be very unfair towards the parties concerned, and very injurious to the public service, to produce the papers. When the negotiations are concluded, of course the papers will be laid on the table of the House.

ARMY (EAST INDIA)—INDIAN MEDICAL SERVICE.—QUESTION.

Mr. LESLIE said, he would beg to ask the Secretary of State for India, Upon what grounds the Royal Warrant for Her Majesty's Indian Medical Service has been so long delayed, and when the Warrant will be issued?

Sir CHARLES WOOD, in reply, said, the hope had been entertained for a long time that a medical service common to the Queen's Army and to that of India might be established. It was only last autumn the Indian Council learnt that the War Office considered such a service incompatible with the requirements of the Royal Army; and separate provision had, therefore, to be made. He was naturally anxious to give to India the benefit of the improved education in sanitary matters which was now bestowed upon the Officers of the Queen's Army, and a Warrant was prepared with that design. It was, however, uncertain whether the scheme could be carried out without infringing some of the clauses of an Act of Parliament, and the matter had consequently been referred for the opinion of the Law Officers of the Crown. Until they reported, nothing further could be done.

EDUCATION (SCOTLAND).

QUESTION.

Mr. LESLIE said, he wished to ask the Lord Advocate, Whether Her Majesty's Government will agree to issue a Royal Commission to inquire into the state of Education generally in Scotland, and will consent to defer the application of the New Revised Code to Scotland until the Report of said Commission shall have been submitted for the consideration of Parliament?

The LORD ADVOCATE said, in reply, that in conformity with the wish expressed by the Scotch Members at the close of last Session, he proposed to Her Majesty's Government to issue a Commission on the subject of Scotch Education. The proposal was deliberately considered, but it was not thought necessary to inquire in such a formal shape, as any facts needful to be ascertained might be learnt otherwise. He had no reason to suppose the Government had since changed their intention. The question as to the Revised Code was more properly in the Department of his right hon. Friend the Vice President of the Committee of Council for Education, but he apprehended that there was no intention of postponing its application to Scotland.

THE WESTMINSTER PALACE CLOCK.

QUESTION.

Mr. PACKE said, he wished to ask the First Commissioner of Works, as other illuminated clocks in the Metropolis give light through the night, Why the public are deprived of the light of the clock at the Palace of Westminster nightly at twelve o'clock?

Mr. COWPER, in reply, said, the clock was illuminated only during those hours when its indications were most useful. It consumed a great deal of gas, and if it were lighted during the whole of the night he thought the French saying would apply, *Le jeu ne vaut pas la chandelle.* The gas was turned off at twelve o'clock, or at a later hour if the House continued to sit. But if the House wished it to remain alight all night he had not objection to offer.

GOVERNMENT BUILDINGS.

QUESTION.

Mr. Alderman SALOMONS said, he wished to ask the First Commissioner of Works, Whether Local Rates and Taxes are paid on the several Houses and Premises described in Parliamentary Paper No. 8 of last Session as occupied by Her Majesty's Government for public purposes?

Mr. COWPER replied, that local rates were paid in respect of some, but not of all the houses included in that list.

DENMARK AND GERMANY—PROCEEDINGS OF THE ALLIES.—QUESTION.

Mr. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, Whether the Government has received information, that by order of Prince Frederic Charles of Prussia, numbers of the Inhabitants, and almost all the Clergymen of Gravenstein and its neighbourhood, have been arrested as spies, and a warning has been issued to the inhabitants, complaining of their Danish sympathies, and informing them that all those arrested as spies, in future, will be executed; and, if that be the case, whether such wholesale treatment of the loyal inhabitants of an invaded country as spies, and thereby subject to summary execution, be in accordance with the modern usages of war among civilized nations?

VISCOUNT **PALMERSTON**: In answer to the hon. Gentleman, I have only to say that Her Majesty's Government have received no information upon the matter to which his question relates.

SEIZURE OF THE "TUSCALOOSA." QUESTION.

MR. **PEACOCKE** said, he rose to ask Her Majesty's Government, On what grounds the *Tuscaloosa* has been seized at the Cape of Good Hope?

VISCOUNT **PALMERSTON**: Sir, the *Tuscaloosa* was seized, in the first instance, in consequence of instructions sent out to the Cape, founded on a former supposed condition of things. The *Tuscaloosa* was not in port when those instructions arrived, but when she returned, the Governor, acting upon those instructions, seized her. Upon further representations, however, and a full consideration of the case, it has been determined that there are no proper grounds internationally for seizing her, and orders have been sent out to set her at liberty.

LORD **ROBERT CECIL**: May I ask whether compensation will be given for the injury?

VISCOUNT **PALMERSTON**: The noble Lord has not given notice of his Question.

LAWS OF JERSEY.—QUESTION.

MR. **SCLATER-BOOTH** said, he would beg to ask the Secretary of State for the Home Department, Whether he has received for presentation to Her Majesty, a Petition signed by nearly three hundred of the principal landed proprietors of Jersey, praying for an alteration in the mode of appointing Jurats to the Royal Court of that Island; and, whether he will state what course he intends to adopt with reference to that subject?

SIR **GEORGE GREY**, in reply, said, the Petition, together with two Acts passed by the States of Jersey, had been referred to the Privy Council.

DENMARK AND GERMANY—BLOCKADE OF THE GERMAN PORTS. QUESTION.

MR. **W. E. FORSTER** said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Danish Government has given notice of any intention to blockade any of the German Ports, and also what notice is required in case such blockade be instituted? He should also be glad to know, Whether, in case of such blockade, a ship arriving after the notice of blockade, but having sailed before it had been given, would be allowed to enter the blockaded port?

MR. **LAYARD** said, in reply, that the Government had not received notice of any blockade of the German Ports by the Danish cruisers, although he understood that the coasts of Schleswig and Holstein were to be blockaded. He believed that there was no fixed period for giving notice of a blockade. The notice was usually given by one Government to another, and such communications were inserted in the *London Gazette.* As to the interval between notice and seizure, a reasonable period was generally allowed in such cases.

DENMARK AND GERMANY. THE TREATY OF LONDON—THE DANISH PAPERS.—QUESTION.

MR. **MACEVOY** said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is true that the Danish Government have officially claimed the active assistance of England on the ground of the London Protocol; and whether the Government are aware that a similar application has been addressed to the French Government, with an intimation in each case that, if refused, the Danish Government would avail themselves of the assistance alleged to have been offered by the Government of the King of Italy?

MR. **LAYARD** replied, that he was not exactly aware what the hon. Gentleman meant by the London Protocol. If he referred to the Treaty of London, there was no ground under that treaty for calling on Her Majesty's Government to give their active assistance to Denmark during the present dispute. If, however, the hon. Gentleman referred to the Guarantee of 1720, Her Majesty's Government were of opinion that the case anticipated has not arisen under that guarantee. He would take this opportunity of mentioning the state of the Danish Papers. The first instalment had been delivered to some hon. Members that morning. He had laid on the table that evening additional papers, which did not strictly form part of the series, but which were so important that the House ought to see them. An additional batch would be delivered either on Saturday or Monday morning, and on Monday night, or Tuesday at furthest, the remainder would be in the hands of hon. Members. He could assure the House that not a moment's delay had taken place in the publication of these papers.

Mr. MACEVOY said, the hon. Gentleman had not answered the latter part of his questions.

Mr. LAYARD, in reply, said, he believed that an application had been made to the French Government; but the case under the guarantee not having arisen, that Government had not felt itself called upon to give an opinion. With regard to the question about the Government of Italy, he could not give the hon. Gentleman any answer, not having any information on the subject.

INDIA—CENTRAL INDIA PRIZE MONEY.

QUESTION.

Mr. COX said, he would beg to ask the Secretary of State for India, Why the Prize Money for Central India has not yet been issued, and when it is likely that it will be?

Sir CHARLES WOOD said, in reply, that several additional claims had been sent in. The matter had been referred to the Treasury, which had not yet given its decision. He was unable at present to say when the Prize Money would be issued.

DENMARK AND GERMANY — THE PROPOSED CONFERENCE.—QUESTION.

Mr. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, Whether it is true that Prussia and Austria have agreed to a Conference on the Affairs of Denmark; and, if so, whether that engagement involves an immediate suspension of hostilities between those Powers and Denmark?

Viscount PALMERSTON: Sir, as I have stated on a former occasion, the great object of the Government during the long negotiations that have taken place has been to bring about a friendly settlement of the differences between Germany and Denmark. For that purpose we proposed an armistice as a foundation for a Conference; but we found both parties attached such conditions to the armistice as to make it impossible for the other party to agree to it. Disappointed in that hope, we have lately proposed a Conference without an armistice, thinking that if we got a certain number of persons round a table to discuss the matter we should be more likely to come to an arrangement than if we were at long distances from each other in the capitals of different countries. Austria and Prussia have agreed to that Conference without an armistice. I believe that France also would be willing to enter into such a Conference, and I fancy that Russia is disposed to do so. With regard to Sweden, I am not quite sure. We have no answer yet from Denmark; and, therefore, no decision has been come to.

Lord JOHN MANNERS: Sir, I understand the hon. Gentleman the Under Secretary for Foreign Affairs to say, that the case contemplated under the Treaty of 1720 has not arisen. I wish, therefore, to ask the noble Lord at the head of the Government, which of the contradictory reports in circulation as to the occupation of a portion of Jutland by the Prussian Army is correct—whether it is true that the Prussian Army, which occupied a portion of Jutland, has since receded, or whether it is true that the occupation is based on strategic grounds and is to be maintained? Next, with regard to the answer given to my hon. Friend behind me, I wish to know whether the German Diet has been invited to attend the Conference; and, if so, what answer was given?

Viscount PALMERSTON: That which has happened relative to the Prussian operations in Jutland is this—that the allied troops passed the frontier and took up a position at a place called Kölding. On representations being made at Berlin, we were informed that that operation was not only without orders, but against positive instructions, and that, in consequence, the commander of the forces on the spot would be reprimanded. But, it was added, that it appearing that the occupation of that particular place being of great strategical value for the security of the allied troops in Schleswig, the occupation would nevertheless be continued. The Prussian and Austrian Governments still adhere to this position—that they acknowledge the validity of the Treaty of 1852, and the maintenance of the integrity of the Danish monarchy; and therefore it is that my hon. Friend the Under Secretary for Foreign Affairs stated that the case contemplated by the Guarantee of 1720—supposing that guarantee to be still applicable, which is another question—does not apply to the present state of things. With regard to the German Diet, I am not quite sure. I should apprehend that the Diet has nothing to do with the armistice. [Lord John Manners: The Conference!] The German Diet were asked originally to send a representative, and I am not sure what their decision may have been.

TICKETS-OF-LEAVE, AND SENTENCES OF PENAL SERVITUDE.—QUESTION.

MR. CAVE wished to ask the Secretary of State for the Home Department, for the purpose of setting at rest doubts which had been expressed out of doors, Whether it is proposed to grant licences or tickets-of-leave, under any circumstances, to prisoners whose sentence of death had been commuted to penal servitude for life?

SIR GEORGE GREY said, that he was glad to have an opportunity of stating that prisoners under sentence of penal servitude for life, whether their sentences had been commuted or not, formed a distinct class, separate from the other prisoners, and not entitled to the benefit of those regulations under which the others were entitled to a remission of their sentences. The rule in the case of prisoners under sentence of penal servitude for life was, that any claim to a remission of punishment was considered on its own merits, but that no expectations of a remission of sentence after any definite time were held out to them.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ROYAL DOCKYARDS COMMISSION—THE REPORT.—RESOLUTION.

MR. LINDSAY rose, pursuant to notice, to call attention to the Report of the Commissioners appointed by Her Majesty in 1860 to inquire into the control and management of the Royal Dockyards, and to move "That, in the opinion of this House, the recommendations of the said Commissioners ought to be carried into effect." He would first remind the House that in 1858 the right hon. Gentleman, who then presided over the Admiralty (Sir John Pakington), seeing the necessity of economy combined with greater efficiency, appointed a Committee of practical men to inquire into the state of Her Majesty's dockyards. That Committee instituted the most diligent inquiries, and made a Report to the Admiralty of great length; and that Report was afterwards laid on the table of the House. Though a very lengthy document, he read it with great interest and much surprise. He had always suspected that there was great mismanagement in our dockyards, and that the country did not receive value for their money in the naval yards; but he had no idea when he read the Report that our ships cost so much as they did. He trusted hon. Members who took an interest in naval matters would get the Report and judge for themselves. The Committee reported that the cost of labour of eight ships, of 1,462 tons each, lately built in Her Majesty's dockyards, and not fitted for sea, was on an average £5 9*s*. 8*d*. per ton, and, when fitted out for sea, £8 13*s*. 10*d*. per ton; while two vessels of the same class, originally constructed for the Russian Government, and now in possession of Her Majesty's Government, were built in a private yard for 48*s*. per ton for shipwright's labour, and that the cost, if fitted for sea in a manner similar to those that had been built in Her Majesty's dockyards, would have been 52*s*. per ton. It would appear, then, from that Report, that while ships built in Her Majesty's yards would have cost £8 13*s*. 10*d*. per ton, they could have been built, and ought to have been built, for £2 12*s*. The House, therefore, had a right to know what had been done to reduce this enormous outlay on vessels constructed in Her Majesty's yards. The year after that Committee was appointed, the late Government were thrown out of office. He did not know whether the present Government took any steps to carry out the recommendations of the Committee; but there was a great outcry in the country, and a strong feeling in the House, that some radical changes ought to be made; and accordingly a Royal Commission was appointed to inquire into the state of the dockyards. The majority of those Commissioners were Members of that House, and were gentlemen thoroughly competent for the duties which they had to perform; and he wished to draw the attention of the House to one or two of their recommendations. Their Report was issued in March, 1861, and in it would be found the following paragraph:—

> "We regret to state that, in our opinion, the control and management of the dockyards are inefficient, and that inefficiency may be attributed to the following causes:—First, the constitution of the Board of Admiralty; secondly, the defective organization of the subordinate departments; thirdly, the want of clear and well defined responsibility; and fourthly, the absence of any means, both now and in times past, of effectively checking expenditure, from the want of accurate accounts."

He had no doubt the House would want to know, before going into the Estimates, whether anything had been done by Her Majesty's Government to carry out the Report of the Committee appointed by the late Government, or the recommendations of the Royal Commission appointed by themselves. The Commissioners remarked upon the constant changes at the Admiralty—as well they might—and they recommended the appointment of a Minister for the Navy, who should be alone responsible to Parliament and the country; that he should appoint the chiefs of the great departments, who should be responsible to him, and that those chiefs should appoint their subordinates, subject to his approval. That recommendation was a good one, as the Minister would be responsible to the House, the chiefs of departments to the Minister, and their subordinates to them, and in that way responsibility would extend from the Minister down to the lowest *employé* in the dockyards. Again, the Commissioners said the system of accounts was elaborate and minute, but the results were not to be depended on. It was due to his noble Friend the Secretary of the Admiralty to say, that immediately upon the appearance of the Report he made the most strenuous exertions to remedy the evils thus pointed out; but, notwithstanding the noble Lord's exertions, it was to be feared that we were not getting what was done at the lowest possible cost consistent with efficiency. The Commissioners called attention to the fact that, in one of Her Majesty's dockyards, in the course of eight months there were no less than 7,900 errors in the accounts, in sums ranging from 1*d.* to £490; that £1,200 for labour was charged twice; and that a sum of £5,210 was not charged at all. He should expect his noble Friend to show, before any money was voted, that it was not possible that such a state of things as existed previous to 1859 was in existence now. There had been some difficulty in finding the cost per ton of ships built in Her Majesty's dockyards, owing to the circumstance that repairs as well as building were carried on in the same yards. But at Pembroke, where no repairs were going on, that yard being devoted solely to building, it was found that 65,400 tons of shipping cost at the rate of £33 5*s.* 3*d.* per ton for the hulls alone, exclusive of fittings. He hoped his noble Friend would be able to show either that that charge was not too high, or that he had been able to effect some reduction. No money would be grudged by the country for the navy, but the people required to know that the money was expended by the Executive to the best advantage. A great part of the extra cost of constructing and repairing ships was owing to the system of task and job work in the dockyards, and that system was based on a scale of prices consisting of no less than 94,000 different items. He did not know whether that state of things existed now. [Lord CLARENCE PAGET: No.] He was glad of that, and he hoped his noble Friend would explain the system which he has now adopted. The Commissioners wound up their Report by recommending that iron shipbuilding should not be carried on in Her Majesty's dockyards until great changes were made. Now, unless his noble Friend was in a position to show that great changes had been made, and that the construction of iron ships could at present be carried on economically and efficiently in the dockyards, he (Mr. Lindsay) must do his best to stop any Vote of money for creating vast Government establishments for the construction of iron-plated ships. He did not mean to say that such vessels should not be built, but his opinion was that they could be built in private yards more economically and effectively than in Her Majesty's dockyards. Therefore, it was desirable to take care that what was called the "plant" in Her Majesty's dockyards for building iron ships was not increased year after year until some accounts, different from any hitherto presented, should be laid before the House. In some respects there was a great improvement in the accounts, but still they did not give that information which he, for one, desired. They constituted a great mass of figures even more elaborate and intricate than those of which the Commissioners complained, and did not enable him to grapple with the growing evil of the enormous extra expenditure in the dockyards. For example, the accounts relating to shipbuilding, repairing, the employment of labour, materials, &c., in the naval dockyards, contained an immense amount of details, which were in some respects extremely ludicrous. He found by one account that the expenditure on the *Achilles* in 1862 and 1863 was £67,850 for materials, £35,723 for labour, the number of men employed being 613; but all the account stated to show how this large sum of money was expended, was the simple statement for "putting frames and bulkheads together, and plating bottom;" it was impossible from this to discover whether real value was obtained for this expenditure of above £100,000—yet this was the kind of information they got throughout the whole book. According to a paper laid before the House, the number of effective steam-vessels in the navy on the 1st of February, 1863, was 566, including armour-plated ships, and the number of effective sailing vessels was 103, making a total of 669 effective ships. On the 1st of February in the present year, the number of effective steam vessels was 544, and of sailing vessels 86, making a total of 630 effective vessels; so that at the time when they were anxious to know how far they would be able to maintain their position on the ocean, it appeared that they actually had 39 fewer effective ships than last year. It was perfectly true that some ships had been worn out and lost, but a large sum of money was voted last year, and he wanted to know what became of it. The details in the accounts, to which he had referred, did not give the information in that satisfactory manner which they were entitled to expect; and the people had a right to complain that, while they were heavily taxed, they did not know whether they got fair value for their money. He concluded by moving, as an Amendment to the Motion to go into Committee of Supply, a Resolution declaring that the recommendations of the Royal Commissioners in reference to the naval dockyards ought to be carried into effect.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House the recommendations contained in the Report of the Commissioners appointed by Her Majesty in 1860 to inquire into the control and management of Her Majesty's Naval Yards ought to be carried into effect,"—(*Mr. Lindsay,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR FREDERIC SMITH said, he wished to call attention to a matter of local and departmental importance—

MR. SPEAKER said, that there was a Question already before the House, which must be disposed of before the hon. and gallant Member could proceed with his notice.

SIR FREDERIC SMITH said, he would confine himself to the subject raised by the hon. Member for Sunderland. Since he had been in the House he had heard all sorts of complaints made against the Admiralty for their shortcomings in regard to furnishing information; but now his hon. Friend blamed them for giving too much information. For his own part, he was very well satisfied with the Admiralty in that respect. There was more, perhaps, in the papers than any one Member wanted; but then each did not require the same thing, and provision must be made to content the whole body of Members. Then, fault had been found with the Admiralty for keeping their accounts in a slovenly manner; but his hon. Friend opposite seemed to think that they were now kept too perfectly. It was said to be unnecessary to give the cost of so many small articles, but they must remember that these details were important, because they rose to a large amount in the aggregate. In his opinion the incidental items were set forth in a most clear and business-like manner in the papers presented to the House. As to the comparison between building expenses in private and in public yards, it should be borne in mind that the Government possessed certain works and plant which had already been paid for, and which might as well be used. He thought his hon. Friend was unreasonable in charging the Admiralty with non-compliance with the recommendations of the Commission, because they had done a great deal in that way since the Commission reported. The question was—Was the work in the Royal dockyards well done and economically done, and was there proper control under the present system? Unless his hon. Friend could show that the departments were badly managed, and the work badly done, he would not make out his case. Taking everything into account, he (Sir Frederic Smith) thought the work was well and economically done; and, on this occasion, he should support the Government.

ADMIRAL WALCOTT: The hon. Member for Sunderland had stated that iron ships could be built cheaper in the mercantile yards than in the Royal dockyards, but as to this question he was not about to enter into any controversy with him. He would simply ask, Would such yards be capable of meeting all the exigencies which might arise? He believed it to be absolutely essential that the country should have dockyards in which all kinds of vessels, large and small, could be built for the service of the Royal Navy. They should remember that Cherbourg was nearly opposite to Portsmouth, and that if the French should ever contemplate an invasion of this country, they would first try to win their way by an action at sea. Now, supposing such a warfare, and that neither side gained a victory, but that the ships of each country should have to return to their respective ports for repairs ; then if England had no Royal dockyards, where assistance would be waiting, the ships must be sent to the Thames, to Glasgow, Liverpool, or other places far distant, whilst France would have Cherbourg, and there her ships would be repaired forthwith, and ready for service, whilst ours would be lying disabled hundreds of miles away. Under such circumstances—and they might occur—was it not, as he had said, absolutely essential for the interests of the naval service, and the country at large, that they should possess Royal dockyards with the means of rendering assistance in every emergency which may arise, and for fulfilling every demand which may be made upon them. He must also remind the House that, should we depend upon mercantile yards, they might, at the moment required, be filled with merchantmen under repair, for the removal of which for the entrance of our Royal ships we must pay a heavy compensation to the owners. He earnestly hoped, therefore, that the Government would not assent to the proposition of the hon. Member.

LORD CLARENCE PAGET entirely agreed with his hon. and gallant Friend (Admiral Walcott) as to the propriety of the Government having in the Royal dockyards the means of building and repairing the ships of the Royal Navy. He thought there were very few persons who disputed the expediency of that course : nor did he think that his hon. Friend who had brought forward this subject did himself desire to put down the Royal dockyards. But his hon. Friend assumed that private yards could build vessels more cheaply than the Royal dockyards. [MR. LINDSAY : Yes, iron vessels.] He was not prepared at that moment to say that they could not do that. His hon. Friend had also gone into a criticism of the Admiralty accounts, and there, he thought, he was very unfair. A few years ago the House insisted—in his opinion quite justly—that there should be more careful accounts, in order that the public might know what the ships of the navy cost in building and repairing. The Admiralty had now endeavoured to place the accounts in such a state as would exhibit these results. They had, of course, always had accounts, but the difficulty hitherto had been to compare those of the different dockyards, as they were not all kept on the same system. The Royal Commission pointed out that defect in their Report, and the Admiralty had done what they could to remedy it. The present system showed every item of expenditure on an uniform system. With regard to one particular ship, the *Achilles*, they had entered into very minute details. Why had they done so ? It was in order that an exact comparison might be made between the cost of the *Achilles* in Her Majesty's dockyard and the cost of other iron-plated ships built in private establishments. With that view the Admiralty had thought it desirable that the House should see every item of expense, and be able to criticize it. In a few weeks the *Achilles* would be ready for sea, and hon. Members would be in a position, from the accounts before them, to make the comparison he had indicated. Whatever the result might be—whether the *Achilles* had cost more or less than the ships built in private yards—they would have the truth, the whole truth, and nothing but the truth. Therefore he thought the criticisms of his hon. Friend were a little misplaced, because the Admiralty had done precisely what the public wanted them to do. It was not his intention to trouble the House with any observations upon the remarks of his hon. Friend with respect to the appointment of high officers connected with the Admiralty. The recommendations of the Royal Commissioners were to the effect that there should be a sweeping change in that Department. Her Majesty's Government had carefully considered these recommendations. Some of them had been carried into effect ; but there were some of them that they were not prepared to adopt. For instance, the Duke of Somerset repudiated the idea of allowing each chief officer of a department to appoint all the officers under him. So sweeping a change it had been thought might be productive of great disadvantages hereafter, and the Duke of Somerset had come to the conclusion that the appointment of subordinate officers ought to rest with him as responsible Minister. This, indeed, was one of the principal differences between the Royal Commissioners and the Admiralty. In all other respects—in matters relating to accounts, the cost of ships, and the actual state of the navy—the Admiralty had with the greatest pleasure carried out the recommendations of the Commissioners, and he believed that in doing so they had given satisfaction to the public. His hon. Friend had remarked that though the Admiralty were constantly building vessels, still the number of effective ships belonging to the navy was reduced. That matter might be easily explained. The Admiralty were complying with a wish which had often been expressed in that House and elsewhere, that, instead of keeping a vast number of useless ships in our harbours, occupying valuable moorage at great cost to the public, many of them should be sold. Unfortunately, in selling them, the Admiralty had got into a little trouble lately, for having sold to an apparently *bonâ fide* purchaser a vessel which they believed to be utterly unfit to cross the Atlantic, it afterwards turned out that she was intended to be converted into a Confederate man-of-war. In consequence of that event the Foreign Office had told the Admiralty that they must not sell any more steamers as long as the war continued between the Northern and Southern States. For the moment, therefore, the Admiralty had ceased to sell. Still, they had sold a good many, and this accounted for the decrease of our so-called "effective" force. The ships which had been sold were on the list of effectives, because they were steamers, but, in point of fact, they were not fit to be used as men-of-war. He thought he might defer all reply to the other remarks of his hon. Friend until the House went into Committee on the Estimates. At the proper time his hon. Colleague the Member for Halifax (Mr. Stansfeld), who had, during the recess, given his undivided attention to the dockyard system of accounts, and who deserved the highest credit for the pains he had taken and the energy and ability he had displayed, would explain in detail what he had done and was still doing with the view of placing matters on a more satisfactory footing. He observed that the hon. and gallant Member for Chatham (Sir Frederic Smith) had given notice of a question with respect to a church in the town which he so ably represented.

SIR FREDERIC SMITH said, that he wished to defer his Question till another opportunity.

LORD CLARENCE PAGET submitted that, under those circumstances, there was nothing to prevent the House going into Committee at once.

Amendment, by leave, *withdrawn*.

CESSION OF THE IONIAN ISLANDS.

OBSERVATIONS.

COLONEL DUNNE said, he rose to call attention to the recent Treaties for the cession of the Ionian Islands to the Kingdom of Greece; and to ask, if, by any provisions in them, engagements are made for the payment of the arrears of contributions due by those Islands to Great Britain, as well as for the pensions granted to British subjects for services under the Ionian Government. It would be recollected that the protectorate of England commenced in the year 1815, we having taken the whole of the islands with the exception of Corfu, which was a strongly fortified island, and was held by the French, until the end of the war. By the Treaty of Paris it was placed with the other Ionian Islands, under the protectorate of this country, and it was stipulated that the Ionian Islands should themselves support the garrison and maintain the fortifications. Sir Thomas Maitland, at an early period, became the Governor. He was very anxious to improve the revenues of the country, but when he came to examine, it was said he found three *oboli* was the whole amount of treasure in the Ionian treasury. Sir Thomas did not require the Ionians to fulfil their stipulations in regard to the fortifications, and when he retired, he left the Treasury with a balance of £100,000. Subsequently, Sir Frederick Adam who succeeded him as Lord High Commissioner, made another arrangement, and he required, in addition to the lodging of the troops, that the Ionians should provide £20,000 for the fortifications; but the Islanders soon fell into arrear. In 1834 Lord Nugent made another arrangement by which the total sum to be paid by the Ionian Republic to the Protecting State was reduced to £30,000, and subsequently Lord Seaton still further reduced it to £25,000 a year. Still there was a large balance due to this country. He (Colonel Dunne) some time ago moved for a Return of the sums due, and they were returned at from £90,000 to £100,000. He thought this Return must be incorrect, because when he was in the Ionian Islands in 1844 the sum in arrear was nearly half a million. But whatever the sum was, he wished to know what means had been taken to secure to this country the amount, or whether the amount had been forgiven. If that were so, he would like to know whether it was within the powers of the Crown to forego such a claim without the authority of Parliament. He was not aware whether such authority was absolutely necessary, but he thought such a claim should not be abandoned without some Parliamentary sanction. In the recent treaty for the cession of the Ionian Islands, were two very curious provisions. By the ninth Article it was agreed, that Her Majesty would recommend to the Government of the Ionian Islands to appropriate £10,000 a year to augment the civil list of King George. Seeing that England had agreed to abandon the protectorate, he did not understand by what right we could interfere with the Islands in the disposal of their revenue, and it appeared to him that Greece had more power to enforce that payment than we had. It seemed a strange provision to introduce into our treaty. Of course, he could not suppose it intended by that treaty that this House should guarantee such a sum, but he would like to know whether anything like a guarantee that would implicate this country had been given for the payment of that £10,000 a year. Another provision was, that each Power that was a party to the treaty should pay £4,000 a year to the civil list out of the money to be paid to them by Greece. What monies were coming to them from Greece? Were the payments to be made out of the Greek loan, or what sum was alluded to in the treaty? Another question he had to put was concerning certain British subjects who had been employed in the service of Greece. There were from fifteen to twenty persons at present receiving pensions from the Ionian Islands, and those persons felt extremely nervous with regard to their pensions when the Ionian Islands should be severed from this country. Had the kingdom of Greece guaranteed the payment? Some of these persons had been many years in the service. The entire sum of the pensions amounted to £6,243; but not a word was said about it in the treaty. There were also some other British gentlemen still in the employment of the Ionian Islands, and he wished to know whether they were to be transferred to the service of the King of Greece, or what provision was to be made for them? He believed that about £10,000 a year would be due for the payment of those *employés*, and he wished to know what security there was that that money would be paid. He would not now enter at any length into the general question of the policy of the cession of the Ionian Islands, as the question was to be brought forward shortly by the Members for Galway; but he should state that he regretted that event. He believed that if certain complications were to arise, the loss of that position might operate very disadvantageously for this country. The late Sir Charles Napier had pointed out the fact that Corfu, which was distant by about eighty hours' steaming from any strong position in the Mediterranean, whether in Asia, Europe, or Africa, was one of the most valuable possessions we could hold in that quarter. Sir Charles Napier had foreseen the course of trade would return to the Mediterranean route, and urged the importance of England possessing a stronghold which should command the Adriatic, through which the trade of Constantinople, Smyrna, Alexandria, Tunis, Malta, and Sicily, with Europe, would probably pass. He felt, no doubt, that Turkey had insisted that the fortifications of Corfu should be effectually dismantled, because, unless that should be done, Corfu would remain a source of constant danger to Turkey, whose frontier might from that point be at any moment turned. He believed, too, that Austria would never have consented to our surrender of the protectorate of the Islands if those fortifications were to be left standing. But he should add that he apprehended more difficulty than was usually supposed would have to be encountered in the destruction of old fortifications. It was a security to either Turkey or Austria to destroy the works we had ourselves erected; there was a mass of ancient Venetian fortifications which might be made of great military value if not removed, and he did not believe we could do so. He had risen, however, principally for the purpose of expressing a hope that means would be taken for continuing the payment of the allowances to British subjects who had served the Government in that quarter, and he should be glad to know, whether Her Majesty's Ministers had taken effectual means to secure that object?

MR. EVANS said, he did not agree with the hon. and gallant Member who had preceded him as to the policy of our cession of these Islands. He believed that that was a very judicious measure, and that the Government would have failed in their duty if they had not embraced a favourable opportunity of ceding them. But he should join the hon. and gallant Gentleman in urging upon the Government the propriety of their adopting the means necessary to ensure the payment of those pensions to public servants in the Islands. He had addressed inquiries upon that subject to the hon. Gentleman the Under Secretary for the Colonies, and the hon. Gentleman had told him that the claims of these gentlemen had been scheduled in the treaty, and sent to the Greek Government for the purpose of their entering into an engagement to meet those charges. But he could not help doubting whether such an arrangement would afford a perfectly satisfactory security. The pensions to those gentlemen who were appointed, not by the Ionian Government but by the Colonial Office, and whose salaries were paid out of the Lord High Commissioners' Civil List, and who had special claims on the British Government, amounted to about £6,300 a year; and out of that sum £2,000 were due to gentlemen of seventy years or upwards; £2,000 more to gentlemen of the ages of between sixty and seventy; and the remaining £2,300 to gentlemen under sixty; so that the charge could not be considered by any means one of a very onerous description. He hoped, under these circumstances, the Government would make such arrangements as would remove from the minds of those gentlemen any apprehension as to the continuance of the allowances to which they were entitled. He was willing to hope that the Greek Government would fulfil their engagements; but war or revolution might occur, and the noble Lord at the head of the Government would, no doubt, recollect that some years ago strong measures were required to make Greece meet the just demands of British subjects.

Mr. CHICHESTER FORTESCUE said, he would not then discuss the general question of the policy of the cession of these islands, which was to be brought before the House as a substantive question before long, but would pass at once to the special questions that had been put to him by the hon. and gallant Gentleman. It was provided by the Treaty of 1815 that a convention should at a future time be entered into between the protecting Government and the Ionian State regulating the military contribution. No such convention was entered into till 1836, when an article, in the nature of a convention, was inserted in the Charter of the Ionian Islands, binding the Ionian Government to pay annually the sum of £35,000 a year. Between 1816 and 1836 very considerable sums were paid by the Ionian Government under different heads, such as contributions towards the expenses of the staff, contributions towards the erection of fortifications, and other items, the average total of which was about £35,000 per annum, and it was thought in 1836 that that sum might be fairly required as the annual contribution. It was soon found that that amount was higher than the Ionian revenues would bear; arrears began to accumulate, and by 1844, when the accounts were adjusted, there remained unpaid some £60,000. In 1844 another change was made, and the contribution fixed at one-fifth of the whole Ionian revenues, which was intended to form a lighter burden than the previous one; but even under that arrangement a certain amount of arrears accrued, and in 1849, when large reforms were introduced under the government of Lord Seaton, those arrears had reached the sum of £90,000. Reasons were stated by the Ionian authorities why that should not be looked upon as strictly speaking a debt due by them, and certain matters were put forward by way of set-off. However, the arrears stood then at £90,000. In that year, 1849, the Ionian Government bound itself to pay £25,000 by quarterly payments, and since that time that annual sum had been punctually and strictly paid. No additional arrears had occurred since that time. When the arrangement was made lately for the cession of the Ionian Islands, it was not the opinion of the Government that the long-standing arrear should now be insisted upon, and one of the terms of the cession laid before the Assembly was that the arrear of £90,000 should not be pressed. The House would think this was a natural and fair course to pursue under the circumstances, and this was the answer he had to give to his hon. and gallant Friend upon that point. With respect to the pensions and compensations which had been alluded to on both sides of the House, there were certain officials of the Ionian Islands, both native Ionians and English subjects, who were entitled to pensions under the Ionian Pension List. Their names had been inserted in the schedule to the treaty which had gone out for acceptance by the Government of Greece; but it had not yet been accepted. By an article in that treaty the Greek Government pledged itself to continue punctual payment of those pensions, the sum with respect to British subjects being charged on the Ionian revenues, and payable by the Greek Government by quarterly payments to the British Consul at Corfu. With respect to compensations for loss of office, to which reference had been made by his hon. Friend behind him (Mr. Evans), the same course had been taken. There were certain gentlemen, not many in number, who on such an occasion had strong claims on the consideration and care of the Government, and they had not been forgotten. Some had been appointed by the Secretary of State to permanent offices, such as Secretary to the Lord High Commissioner, the Treasurer, the Judges of the Supreme Court, and some others. The compensation provided for them was a fair proportion of their salaries; and the Greek Government, if it accept the treaty, will be bound to pay these compensations during the lives of those gentlemen on fixed days, in quarterly payments in a lump sum, to the British Minister at Athens, and by him to be distributed among the recipients. There were other gentlemen, not, literally speaking, in the same position as the Secretary to the Lord High Commissioner and the others he had named, inasmuch as they had not been appointed by the Secretary of State; but they were bound to treat them as permanent officers, and place them on precisely the same footing as the English officials of whom he had spoken. Their names had been put in the schedule, and the Greek Government would be bound to pay compensation to them in the same way as to the other officials. That was the security for the pensions and compensations of these gentlemen on which the Government had insisted. The whole sum, as had been stated, was a small one. The Greek Government would distinctly bind itself, in both cases, to pay over the sum to the British Minister at Athens, or the British Consul at Corfu, and it would be distributed among the recipients from time to time. That was a full security to these gentlemen, and there was no reason to doubt they would in future be regularly paid.

Colonel DUNNE observed, that his hon. Friend had not answered his question relative to the £10,000.

Mr. CHICHESTER FORTESCUE said, that sum was made by the treaty a first charge on the revenue of the Ionian Islands, and was to be paid to the King of Greece to increase his Civil List.

Mr. KINGLAKE said, he did not understand his hon. Friend the Member for South Derbyshire, to complain that the Government had neglected to make fair terms with the Government of Greece for payment of these officials, but to express an opinion that there was not that degree of confidence in the Greek Government to make this a sufficient security. His understanding of the matter rested on this footing:—Her Majesty's Government had obtained the services of a number of English gentlemen, who gave up other occupations for offices which they thought would be permanent. Circumstances occurred to induce the Government suddenly to put an end to their official duties, and it had always been the practice in such cases to consider that a moral debt was incurred by the Government, and that these officials were entitled to some kind of recompense, generally in the form of pensions. Now, if there be a moral debt, it was clearly a moral debt due from England and not from Greece. It was quite natural that Government should make terms to recoup themselves from Greece; but primarily the moral debt, as he had said, was due from England to these gentlemen, and unless that could be questioned it must be understood that due payment of these sums was guaranteed by the Government.

OUR NAVAL FORCE.—RESOLUTION.

Sir JOHN WALSH rose to call the attention of the House to the inadequacy of our state of naval preparation to the present exigencies of political affairs; and to move that, in the opinion of this House, the great changes in naval warfare, and the critical state of our foreign relations, require the most vigorous and immediate national efforts, on a scale calculated to maintain the maritime supremacy of England. Sir, the noble Lord the Secretary to the Admiralty appeared to assume that no other Motion would be interposed to prevent you, Sir, from leaving the chair, so that the House might be enabled in Committee to hear the able and interesting statement which he will, I have no doubt, make in bringing the Navy Estimates under our consideration. I regret very much, however, that I must disappoint that expectation. A due consideration of the subject induced me to place the notice of Motion on the paper, and I feel the subject to be very important, and I am impelled by so strong a sense of duty to call the attention of the House to this subject, that even the wish I have to accommodate him, and to facilitate the progress of public business, cannot induce me to remain silent upon this occasion. I must say, that I do not approve of these Estimates—not because I object to any of their special details —not, for instance, because I think that the dock at Malta will not afford the accommodation that is desirable for the repairs of ships—but on much larger grounds of public policy, which lead me to believe that these Estimates are totally inadequate to the emergency for which we are now called upon to provide. The first observation that suggests itself to my mind in perusing them is, that they afford a stereotyped sample of the policy which has prevailed in this country for the last thirty years—that they are a repetition of a policy which was formerly advocated under totally different circumstances, that they bear no relation to our present position, and that they, therefore, have a *primâ facie* aspect of being unsuited to the attainment of the very object for which they have been framed. With the exception of the short but costly episode of a Crimean war, we had happily for a period of fifty years enjoyed a state of profound peace; and I fear that that long period of repose has made us altogether oblivious of the stern necessities which war may one day impose upon us. I fear that it has made us look upon any provision for war as a provision for a remote contingency, which, in our time at all events, is unlikely to arise. There are in this country and in this House gentlemen of great ability, and, as far as I am able to ascertain, of no doubtful sanity, who have gone the length of believing that no war would ever again arise on the face of the globe. I do not think their views meet with any general acceptance on the part of the House; but, coming as they do from gentlemen of great ability and energy, capable of urging their extraordinary paradoxes with consummate eloquence and skill, I think that they have produced a sensible effect on the policy of this country during the last quarter of a century. I do not, however, at all wish to question our past policy. I do not wish to question the wisdom of that economical spirit which has prevailed among us for so many years. It has no doubt been productive of many beneficial effects; and I think also that it was very well suited to that for which it was adopted. I believe that for a considerable period there was really no appearance of war; Europe enjoyed the most profound tranquillity; and it would have been injudicious and improper to have taxed our resources by any great preparations against an evil which was so unlikely to arise as an European struggle in which we should be engaged. But the state of things is now changed, and it seems to me that these Estimates are framed without reference to this change of circumstances. I find that these Estimates contain a considerable reduction upon those of last year; and the contrast when compared with those of the previous year is still more remarkable. I cannot doubt, and the House will hardly doubt that, under such circumstances as the war in Denmark and the disturbances in America in the Confederate States—in such a threatening conjuncture — special care ought to be taken to provide for our safety. I cannot think that the course taken has been a wise one. I cannot bring myself to believe that the state of peace which has existed so long is likely to last much longer. I cannot blind myself to that menacing and lowering picture of the future which appears to be hanging over us, and I cannot think it wise to bring forward Estimates on the present occasion which have no reference to the special state of things. If the Estimates for the present year be proper, the Estimates of previous years must have been extravagant and burdensome. Now, Sir, the peace of Europe has now existed for fifty years, and has existed mainly from three causes, every one of which has now ceased to operate. First, there was the great exhaustion of Europe after the wars of the Revolution and of the Empire. War had swept from Paris to Moscow, and back again from Moscow to Paris. War had overturned every Government, and had devastated every hearth, and had created misery and privation throughout Europe, and the exhausted and tired peoples, as well as Governments, were in a state of weariness and alarm which made them willing to return to a state of peace. This continued for a long time; but it happens, unfortunately, that the martial instincts of mankind have again revived, and the lessons of this experience have been forgotten by those ignorant of the miseries of those times. There is again a restlessness among the populations of Europe, which seem to be inciting their rulers to fresh acts of ambition. There was formerly existing that most unpopular alliance — I mean what was called the Holy Alliance—of which I can never be the advocate or apologist. I consider, as every Englishman must, that it was a dangerous league against the liberty of the nations and of mankind. But still it had one redeeming feature. The sovereigns who composed that league entered into various and binding engagements with each other, that they would abandon all object of territorial aggrandizement whatever. They knew well that the very moment that any of them stepped beyond the limitations of the Treaty of Vienna, that that very instant they would destroy that alliance, and that their object would be defeated. They determined to make no war except against revolutions. They maintained these engagements and principles for a very long time; and, I must say, though not favouring them, that their mutual conduct and engagements was one great foundation of the long continued peace which existed in Europe, and which was preserved till the Emperor of Russia broke it in his attack upon Turkey. From that time the alliance has ceased to exist, the desire for territorial aggrandizement has been excited, and various Sovereigns and nations have been seeking how they could extend their boundaries and annex fresh provinces. The effect of that movement may be seen in the north of Germany at the present time. Another of the grounds on which the peace of Europe rested was the cordial understanding, and perhaps I might say the virtual alliance, between England and France which followed the accession of Louis Philippe; for it must be admitted that the Bourbons, much as they owed to us, were not by any means friendly to the English people. Louis Philippe was a sagacious monarch, and, I believe, was well inclined to us; and, in spite of the events connected with the events of 1840 associated with Mehemet Ali—in spite of the troubles at Tahiti in connection with the case of Mr. Pritchard, and in spite of the affair of the Spanish marriages—there was a co-operation for mutual purposes which existed during the whole of the reign of Louis Philippe. But when the Emperor Napoleon succeeded to the rule of France, that alliance received a fresh impulse—the Emperor was moved by a still greater desire to promote and strengthen that alliance. The Emperor Napoleon had, I really believe, personal esteem and affection for the English people—at any rate he endeavoured to mark such a sentiment in every possible manner. Whether we look to the royal alliance which he maintained with us through the whole of the Crimean war; whether we look to the forbearance which he showed in the time of our difficulties and perils in the Indian mutiny; whether we look to his relaxation, in the case of Englishmen, of that obnoxious system of passports which was so peculiarly repugnant to our feelings; whether we look to the commercial treaty which he, with that iron will which he has inherited with his mighty name, has secured, and which no other power in France could have carried out, and which he has fulfilled loyally, completely, and effectually—we find emphatically that in his conduct towards Englishmen individually, and the English nation, he has shown himself anxious to fortify the English alliance. I must express my extreme regret that that good understanding and cordial feeling has been destroyed by what I must consider the most uncourteous proceedings of the noble Lord now at the head of the Foreign Office. On three occasions he has thought it proper to repulse and rebuff the overtures of the Emperor for concerted action, in the case of Mexico, in the case of the Confederate States of America, and in the proposal for a Congress. I will not go into the matter, but I will say that while there were great difficulties in the way of the proposition for a Congress, at the same time I will say that England would have risked little, under proper modifications and limitations, in consenting to that Congress, and I think it might, under proper conditions and qualifications, have prevented or delayed the outbreak in Northern Europe; and I believe the rejection of this proposition, and the manner of the rejection, have inflicted a deep wound on the sensibility of the Emperor Napoleon, and I believe I am correct in stating that the proposal was rejected in a manner pointedly offensive to himself. Under such circumstances we now find that all the securities upon which the peace of Europe has rested for fifty years have been swept away. Now, Sir, I come to the present state of things. I must now deal with a totally different state of things. We must consider the risks that we now have to run, and the complications that are before us, and at the same time we must consider the means we have to meet them. If we wish for peace, it is necessary that we should be strong. If unhappily war should break out in Europe, if we succeed in preserving our neutrality, it will be necessary that the neutrality should be armed and powerful, and that it should be almost as extensive and as complete in preparation as if we were engaged in actual war. Whatever may be the prospects of the future, I feel convinced that we are at present in a crisis of our affairs which renders it necessary that England should buckle on her armour, and show herself prepared for war; that England should show that she does not hold out the hand of fellowship in time of peace, and withdraw it when times of peril arise; that England should show herself ready to vindicate her honour and redeem the pledges given by her to other nations. I see nothing in these Estimates to indicate any sense of this state of things. I see nothing in them different from those which have been brought forward for several successive years. Now, Sir, what is the state of the navy? Why, for the time, we are almost disarmed. Most Members of this House will recollect that noble passage in a speech of Mr. Canning at Devonport, when he had been looking upon the three-deckers and other huge vessels which crowded the Hamoaze, and drew a comparison between one of these three-deckers, lying majestically upon those waters, and the sleeping life and power of England. I do not remember his exact words, but the argument that he used was that, as he gazed upon the grand vessel then calmly floating on the water, but which could, if occasion arose, put on all the pride and power and panoply of war, and become instinct with life and motion—in all this they might see an emblem of the power of England. Nor was this, then, a mere figure of speech. At that time the boast was founded in fact. If they had gone then to Portsmouth or Sheerness, to the Medway or to Pembroke, they would have found long lines of these great vessels—three-deckers, two-deckers, frigates, and corvettes, laid up in ordinary, but very capable of being called into action in a very short time. At that time there existed an immense reserve strength which cost scarcely any money, which was a cheap defence, while, if any emergency arose, in a few months these vessels could be fitted out, they merely needed to have seamen put into them, and the country would speedily have been in a state of defence. If such a condition of things had existed now, I should not have interfered to prevent the statement of the noble Lord; but this is not the case now. Since then we have made great progress in these matters, and all these noble ships have ceased to be a source of strength to us. The first change was when screw vessels succeeded sailing vessels. That was an immense change, which rendered all these ships in ordinary useless. That necessitated a corresponding change on our part, and it is to the eternal honour of the right hon. Member for Droitwitch (Sir John Pakington), that he led the way in that great alteration—that he felt and acted on the conviction that it was necessary to alter the system then prevalent, and to set afloat a powerful screw navy, so that in the course of the Crimean war our screw ships maintained the honour of our flag, and England was still dominant over all the seas of the world. But since that time science has made great progress. No sooner had the task of the right hon. Gentleman been performed, when fresh improvements took place. Great improvements had been effected in the screw ships, but they were now rendered as useless as sailing ships had been rendered before. The fact is that two great changes had sprung up in naval warfare within very few years: one was the construction of armour-plated ships, the other was the fabrication of a new kind of shell, which possessed the power of igniting a wooden ship, and which could be directed with great effect even against armour-plated vessels. Thus the wooden navy was rendered useless. The hon. Member for Rochdale (Mr. Cobden), whom I do not see now in his place, made one of those luminous and perspicuous statements which always fix themselves in the memories of those who hear them, in the course of last year; and one of his arguments was that to put our seamen and marines into wooden ships would be an act of absolute cruelty, and a wanton waste of the lives of brave men, where their courage and their skill could no longer avail them. From this the hon. Gentleman argued that we must give up wooden vessels altogether. Assuming this to be correct, I think the hon. Member was successful in establishing that part of his argument, though I do not think he was so successful in the second portion, in which, because these ships were useless, he proposed to pay off our 70,000 seamen and marines and to have no navy at all. There I should join issue with the hon. Gentleman. I say, Sir, that England should accommodate her navy to these changes. I say that England ought to maintain her position among the nations of the earth by making fresh efforts to keep pace with every improvement in science and naval construction; and I say further, that England has perfect power to do so, owing to the facilities we possess in the possession of all the necessary materials. If we possessed peculiar facilities for the construction of wooden vessels, we possess them in a still greater degree for the construction of iron vessels. England possesses iron and machinery in abundance, and her artisans and engineers are unequalled in the world; so that Confederates, Turks, men of all nations, indeed, come to this country for iron ships, and there is no difficulty in building them here. So far from these improvements tending to the decay of the naval supremacy of England, they should rather tend to enhance her supremacy; and, under these new conditions, she ought to be more powerful than she has ever been at any previous period of her history. All that is wanting is that England should take advantage of these opportunities. What England requires is the creation of an iron-plated navy. But the noble Lord the Secretary to the Admiralty, if he does me the honour to reply to my observations, will no doubt say, "Well, that is just what we are doing—precisely what we are carrying out. We do not want the hon. Baronet to tell us that. We are building these ships; we are creating this iron-clad navy; and really the hon. Baronet is only preventing me from stating all that the Government is doing in this praiseworthy direction." To a certain degree that is true: at the rate we are going on, in ten, fifteen, or twenty years we shall be a very respectable naval Power. But, Sir, we cannot wait ten, fifteen, or twenty years. We require to be a very good naval Power now, or very shortly. The Emperor Napoleon once said of the Austrians that they never knew the value of time in military operations. Time was quite as important in naval operations. It is quite as necessary, if we are to have a powerful fleet at all, that we should have that powerful fleet now, as it ever was that the Archduke Charles should march a certain number of miles in a shorter time than he did. I think I heard from the opposite side of the House a hon. Gentleman (Colonel Sykes) say a little time ago that our present steam navy was so powerful that we are an overmatch for any two nations on the face of the globe. ["Hear, hear!"] I daresay, supposing we had a quarrel with France and America, that the hon. Gentleman who made that assertion might be correct in this sense—that if we sent a challenge to France and America, and proposed to fight a duel off Ushant, for instance, it is possible we might produce a greater number of ships and be stronger than those two nations put together. I will assume, for the sake of argument, that that statement is correct; but I want to know if that is sufficient, considering all that England has to defend, and considering the position in the scale of nations that England has to occupy? Supposing, likewise, for the sake of argument, that we were involved shortly in some great maritime war. Well, Sir, I will ask the noble Lord the Secretary to the Admiralty how many fleets should we require to maintain the honour of our flag, to support our interests, and to guard our commerce in all parts of the world? I think, supposing we were at war, that we should want a very good fleet in the West Indies. I have rather the idea that it would not be prudent altogether to leave the Pacific without a very efficient squadron. It appears to me that the Indian seas, the Indian Archipelago, and our communications with our Indian Empire, would, under those circumstances, require a very large and powerful fleet. I am quite sure that in the Mediterranean it would be absolutely necessary that we should have a very powerful force; and I think it would scarcely be disputed that, after all these deductions have been made, after all these points of weakness had been defended, it will still be necessary that England should have full and undisputed command of the Channel. Now, I wish that the noble Lord the Secretary to the Admiralty and the hon. Gentleman who chooses to entertain that strong opinion, would be kind enough to say whether, after all these necessities have been attended to, and England has guarded herself in all those points which are absolutely requisite, they still think that the present amount of ships is sufficient to meet every possible requirement for a state of war. Of course, if we remain at peace it will be very well. If these ships are only sent to cruise about the Channel *in terrorem* there is no occasion to argue the subject; but I am assuming the possibility of a state of war, and that is a possibility which, I think, in discussing a subject of this kind, we ought to assume. I confess I look at this state of things with great alarm. It is not now so chimerical a supposition that we may be engaged very soon in a state of war; and it is impossible, when a war is once kindled in Europe, to predict where it will stop and what nations it may involve, and therefore to foresee in what circumstances England may shortly be placed. Then I say this contingency ought not to take us by surprise. We ought not to look back to the past, and because we have had half a century of peace to suppose that we shall have half a century of peace to come. Now is the time to exert ourselves, to take time by the forelock, and to place our naval power upon the same footing in these altered conditions that it formerly occupied. It is a mere question of money. I know that money is a very sensitive point in this House. I know that economy has been so popular, and so long popular, and that hon. Members have stood upon the hustings, and used that cry until they have become so accustomed to utter it that I believe it will be just like Reform—hon. Members will be going on talking of economy here long after economy has ceased to be popular out of doors. I do not oppose a wise economy; but I say it would be an eternal disgrace to England, if by a mere petty, paltry looking at details, at expenditure, she should suffer the trident of the ocean to slip from her grasp. The question is—Are these iron-clads necessary or not? Can we do without them? Can we be a naval Power without them? Is the hon. Member for Rochdale right in supposing that wooden ships are entirely superseded? Is our reliance for the future to be upon these iron-clad ships, and upon upon them alone? If it is, then I say we have not half sufficient—we have not a quarter sufficient. We have a few fine ships, but I cannot help having some apprehension that in this direction we have almost outgone the proper limits. I have sometimes feared that these very large ships, which draw a large quantity of water, may be found practically inconvenient—that they will not be able to enter ports, or pass through straits which other ships can enter and pass through; and they will not be able to approach shores which an enemy may invade by being adapted to sail in shallower water. But, of course, upon such a subject it would be presumptuous in me to offer an opinion; but I am quite sure of this, that although we may require a great number of these very large ships, which will replace what were our great three-deckers, you will want a great many other ships of a similar character and size, corresponding to our old frigates, our old corvettes, our old seventy-fours and two-deckers. Where are they? Where are all those ships which will be absolutely necessary in a naval war to protect our commerce and spread their wings over the whole world? Where are they, I ask? Do they exist; or are they still in the dockyards in course of construction, or are they still in unknown space? I say that if these Estimates were doubled, we should not do more than meet the exigencies of the present year. The noble Lord at the head of the Government came down two or three years ago, and made an admirable statement, and induced us to vote £12,000,000 or £13,000,000 for naval fortifications. Sir, I gave the noble Lord a very cordial support on that occasion. I felt that coming from him such an appeal could not for a moment be resisted. I have sometimes feared whether the noble Lord is not extending his fortifications a little too widely, and whether they might not be liable to share the fate of the Dannewerke, which fell because there was not a sufficient number of men to defend it. I hope that that apprehension may not be realized; but I say that if you lay out £12,000,000 sterling upon fortifications, it is a great deal more necessary to lay out £10,000,000, or £12,000,000 in constructing ships. Ships can defend fortifications, and fortifications may be of no use without ships. The first point is to create your navy, and the second to defend it. Now, I do think that this is a state of things which requires the most serious attention of the country. My right hon. Friend the Member for Buckinghamshire has been very anxious to obtain the papers on the Danish Question. I must say that I have not shared at all in that anxiety, because I know perfectly well that all that protocols, all that despatches, all that protests, and all that remonstrances can effect has been effected by the noble Lord at the head of the Foreign Affairs. The noble Lord at the head of the Foreign Affairs is a great master of brave words, and I have no doubt that there has not been any deficiency in the supply of that article; but I am quite sure that his negotiations have failed, and I am quite sure that his negotiations will fail so long as there exists throughout Europe and the world at large the belief that England is no longer strong, and that England has no longer the public spirit to remedy the deficiency. It is in the hope that the few words I have been permitted to utter may awaken some feeling to the dangers to which we are exposed by this supineness, and the critical state of our naval defence at the present hour, that I have ventured to interpose these short observations before you, Sir, leave the chair.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the great changes in Naval warfare, and the critical state of our foreign relations, require the most vigorous and immediate national efforts, on a scale calculated to maintain the maritime supremacy of England,"—(*Sir John Walsh.*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL SYKES would repeat, that our navy, both in ships, armament, and manning, were competent to encounter all the navies of the world combined. That was his deliberate opinion after going through all the facts, and if he had any complaint to make it was, that the Government had rather overdone than underdone their duty in regard to the expenditure upon the navy in the present Estimates. Every year some "bugaboo" was put forward, some kind of *bête noire*, as an excuse for increasing the fleet. Every year the House was told that the dimensions which the French fleet was acquiring would sweep British vessels off the ocean. He would prove to the House that this was an utter fallacy; and he would do so from the French official statements, the naval Budget for 1864 laid before the Legislative Chambers of France, and a copy of which was then in his possession, and which Budget greatly excelled our own in clearness, notwithstanding the improvements introduced this year by the noble Lord the Secretary to the Admiralty, and his hon. Friend the junior Lord. The British navy consisted of 592 vessels, of which 506 were steam afloat, and 86 sailing ships also afloat, and 38 steamships were building; total 630. According to the Report of the French Minister of Marine, the French had 214 vessels in all, of which 131 were propelled by steam, 81 being screw vessels and 57 paddle. Of the British 56 were steamships of the line, frigates 51, blockships 9, corvettes 26, sloops 35, gun-vessels 47, gunboats 143, and some smaller vessels, making the total 506, besides 65 mortar sailing vessels, 12 frigates, and 2 of the line, and sloops, making 86. Among the screw steamers in the French navy there was only one first rate, with a complement of 32 officers and 1,138 men, and 11 of smaller rates, 6 of which had a complement of 713 men each, 6 frigates of all rates, two corvettes, 33 despatch boats from 15 to 250 horse power, 18 gun-vessels, and 10 armed transports, of from 200 to 1,200 tons. Of paddle-wheel steamers there was only one frigate of 400 horse power, five corvettes of 500 horse power, and 50 despatch boats of from 60 to 220 horse power. Of sailing vessels the French had 50, the largest of which was a fourth-rate, 3 transport frigates, and 17 sailing transports, of which the largest was but 800 tons, with a complement of 110 men, which, of course, would not compare with the *Himalaya* and vessels of that class. Then, of armour-cased ships the British had 20. [Lord CLARENCE PAGET: 25.] Well, he was glad to hear it. But the French had only 6 experimental screw frigates and corvettes, with 10 reserve ships and 10 frigates. It might be urged that the number of ships merely was an inadequate test; but he was prepared to follow out the comparison. Coming to the question of crews, he found that the English navy for the present year consisted of 53,000 seamen, including 7,000 boys and 7,800 coastguards; these, with 18,000 marines, made a total of 71,000. The crews of the French navy afloat, including officers, sailors, and marines, amounted to 28,881, and adding the 1,592 officers, or *Etât Major*, as they called it, there was a total of but 30,473, in which 1,710 boys were included. But 71,000 men and boys were not the whole number available for manning the British fleet, for, including the Naval Reserve, the total number was 85,163. The French had on shore a reserve of 4,160 marines. We had also 38 vessels building, 21 of which were in the dockyards, 17 of which were being built by contract, and 8 of which had been launched. The British navy this year would cost £10,432,610. The French navy last year cost £5,975,337, and this year it would cost £6,141,695, the increase being only about £160,358, or not half the price of a single iron-clad. He thought he had now shown that there was some foundation for the statement he had made, that we really were in a condition, taking our vessels afloat, our vessels ready, our vessels ready for launching, and our vessels building, to meet the combined navies of the world.

MR. C. C. CLIFFORD said, he had met the other day with a passage in an old author which he read with so much interest that he could not forbear from inflicting it upon the House. Lord Coke, speaking of the English ships of war of his time, said—

> "To conclude, the King of England's Navy doth excell the shipping of all other Foreign Kings and Princes; for if you respect beautiful statelinesse, or stately beauty, they are so many large and spacious kingly and princely palaces. If you regard strength and defence, they are so many moving impregnable Castles and Barbicans, and were termed of old the Walls of the Realm. When our English Navy is among the ships of other nations, it is like lions *inter pecora campi*, and like a falcon *inter phasianos, perdices, et alia volatilia timida cœli.*"

No doubt the description that the ships of war of that day were for strength, like castles and barbicans, was equally applicable to the ships of the King of Spain, which were quite as large and splendid. But these immense ships that struck all mankind by their beauty were no longer applicable to naval warfare, and had been of late more properly entitled "slaughter-boxes." He trusted that no expense would be spared by the Admiralty in adopting the latest improvements in science. They ought also, he thought, to turn their attention to the building of a small description of ships. He was glad to see that the deficiency pointed out by Admiral Denman, as to the necessity of new docks at Portsmouth, would be remedied. In the event of an engagement at sea, our fleet would have been at a great disadvantage, but with our present navy and the new forts, and with sufficient dock accommodation at Portsmouth, if we were called upon to undertake a naval war, he, for one, should have no fear for the maritime supremacy of England.

Amendment, by leave, *withdrawn.*

AFFAIRS OF POLAND.
DESPATCH TO PRINCE GORTSCHAKOFF.
QUESTION.

MR. HENNESSY said, he desired to put a Question to the noble Lord at the head of the Government on a subject which he had already brought under the notice of the House. It would be in the recollection of the noble Lord, that he had put certain Questions with reference to a despatch on the affairs of Poland from Earl Russell, which he alleged had been recalled and altered by the Government on the remonstrance of a foreign Government. Some of these questions the noble Viscount answered, and others he did not answer. It was admitted that a despatch similar in terms to the declaration made by Earl Russell at Blairgowrie was sent to Prince Gortschakoff, and that this despatch was recalled and forwarded in an altered form. The Question he now put was, Whether that despatch which was so sent to Prince Gortschakoff was also sent to any other Minister of State in Europe, and, especially, whether it was sent to Lord Bloomfield at Vienna and by him communicated to Count Rechberg in its complete form? If he were correctly informed, this despatch was regarded in Poland as the most important step that had been taken in the affairs of that country since 1815. He wished also to know, whether if that despatch was actually communicated by Lord Bloomfield to Count Rechberg, or to the Minister of any other Government, the House would be allowed to see it in its complete and unaltered form. It was, he believed, very unusual for a Minister to send copies of his despatches to other Governments as well as to that to which the despatches were addressed. The noble Earl, however, had taken that course, for every despatch sent by him to Russia on the affairs of Poland was also sent simultaneously to other Powers. The despatch in question was communicated, he believed, to three other European Governments. He was told that when it was received by the Minister for Foreign Affairs at one European Court, it was communicated by him to the Russian Ambassador at that Court, and by him communicated by telegraph to Prince Gortschakoff. And thus it happened that, as St. Petersburg was the furthest capital from London, Prince Gortschakoff had heard of the despatch before its arrival, and was prepared for it. He was also informed that M. von Bismark attached great importance to this despatch, and that he was inclined to think the Cabinet of Berlin would make it a *casus belli* if it were communicated to Prince Gortschakoff. Therefore, he wished likewise to ask the noble Viscount, whether any despatches had passed between Her Majesty's Government and other Powers with reference to this altered despatch? He should like to know, whether M. von Bismark had remonstrated with Her Majesty's Government, and whether the noble

Viscount would lay before the House the despatches, unaltered, which had passed between Lord Bloomfield and Count Rechberg on this subject? He asked those questions because it was probable a debate on the Polish question would take place within another fortnight, and because he was of opinion, that on a matter of such importance as that to which he had adverted, the House ought not to be left in ignorance.

VISCOUNT PALMERSTON: I am afraid I can only repeat what I stated on a former occasion—namely, that Her Majesty's Government are responsible to this House to give every information as to any communications which may take place with foreign Governments with respect to our foreign policy; but it is not our duty to state to this House what changes may have been made, or intended to be made, from time to time, before or after a despatch may have been communicated to any of our Ministers abroad. I believe the despatch, which was communicated officially to Prince Gortschakoff, has been laid on the table. [MR. HENNESSY: As altered?] And that is the despatch by which we abide.

Main Question put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

LORD CLARENCE PAGET: Sir, I wish before I proceed to deal with the Navy Estimates to express my regret that I had not had an opportunity of answering the observations of the hon. Baronet opposite (Sir John Walsh); but not seeing him in the House, I was not aware when I proposed that the Speaker should leave the chair that he was going to bring forward the subject with respect to which he had given notice. I may, however, say in reference to the remarks which have fallen from him, that the question of the maintenance of a navy adequate to the requirements of the country resolves itself very much into a matter of detail as to the amount of exertion which is requisite on the part of the Admiralty each year. It was observed by a gallant officer on this side of the House (Colonel Sykes), that in his opinion we had gone on rather too fast; but I think another hon. Gentleman, who stated it to be his opinion that we had neither gone too fast nor too slowly, is still nearer the truth. At all events, I shall, I hope, be able to show that our navy at the present moment stands upon a satisfactory footing.

Before addressing myself to the Estimates, I wish to advert to some alterations which we have made in the form of them, owing to the recommendations made by the Committee on Public Accounts. They, in their Report, very wisely recommended that there should be prefixed to the Estimates a statement showing the net cost of the navy after deducting from the gross amount the extra receipts and repayments in the course of the year. It will by that statement—at page 3—be seen that for the year 1862-3 those receipts and repayments amounted to £297,221, that for the year 1863-4 they amount to £273,710, and that for 1864-5 their amount is estimated at £263,588, consequently those sums should be deducted from the gross Estimates of those years. There is also another alteration which has been introduced, and that occurs in Vote No. 2—the Victualling Vote. That Vote has this year been altogether remodelled, in accordance with the recommendation of the Committee on Public Accounts; and if hon. Gentlemen will turn to page 105 in the Appendix they will find that the Vote is so framed as to enable them to compare item for item the expenditure under this head with that of last year. Having made these few preliminary remarks, I shall proceed to address myself more directly to the task before me, and in doing so I shall, I am afraid, have to trespass on the time of the House at greater length than I could desire.

Sir, the Estimates for the navy for the year 1864-5 amount to £10,432,610. Those for 1863-4 were £10,736,032, thus showing a reduction in the Estimates for the coming year of £303,422, irrespective of some other matters to which I shall have to advert, and which will somewhat qualify this reduction. The way in which that reduction is brought about is first of all by reducing the number of the *personnel* of the navy, and likewise a reduction in the *matériel*, qualified by a considerable increase in the Vote for the Wages of artificers employed in our dockyards. There is a small increase in the Vote for New Works, and a considerable increase, I am sorry to say, in the Vote for the Army Department, owing in a great measure to the state of affairs in New Zealand. That is the general character of these Estimates. Now, Vote 1, which relates to the pay of the men; Vote 2, which relates to the victualling and clothing, and Vote 12, in which provision is made for the medical stores, all having reference to one branch of the subject—the *personnel*—we may group together. We propose to make for the coming year a reduction to the extent of 500 seamen of the fleet, 1,500 coastguards, and 2,000 boys. There is also a small reduction of the civilians in the Coastguard in the case of old men becoming superannuated; that is to say, we propose to take 71,951 men and boys as against 76,000 for the present year. The marines remain at 18,000. The total reduction amounts to 4,050 men and boys. Now, I am quite aware that many hon. Gentlemen will look upon this reduction with some alarm, and, viewing the state of affairs, I am not at all prepared to say that this country should for a moment adopt a retrograde course in the way of her naval defences. Thus far I agree with the hon. Baronet opposite (Sir John Walsh); but I can, I think, prove to him that, so far from pursuing a retrograde course, we are making progress, notwithstanding a nominal reduction in the strength of our naval force. I say nominal reduction, for if hon. Members will look to page 101 they will see exactly the number of men maintained during every month last year, and that the reduction, such as it is, has been going on for several months. First of all, everybody knows that armour-plated ships require a smaller complement than line-of-battle ships; so that in proportion as you increase the number of those ships, the necessary complement becomes decreased. I will now read to the Committee a paper which will show the number of ships we have in commission this year as compared with last, and I shall take the 1st of February in each year as a fair period for comparison. The statement will show that the fears of the hon. Baronet opposite are unfounded. On the 1st of February last year we had eleven line-of-battle ships in commission, on the 1st of February this year we had ten. On the same day last year we had four armour-plated ships in commission, this year we had seven. Last year we had forty-one frigates, corvettes, &c., this year forty-two. Last year we had ninety-eight sloops, gun-vessels, &c.; this year ninety-nine; making a total of seagoing ships on the 1st of February last year of 154 against 158 this year—a small increase of numbers, but a vast increase of power. We have besides a number of harbour guard-ships, coastguard ships, troop and store ships, surveying vessels, floating batteries, tenders, &c., eighty-five this year, as against eighty-two last year, making a total of all classes of 243 on the 1st of February this year as against 236 on the same day last year. I think I may state that as a proof that we have not reduced our fleet. How, then, have we been enabled to reduce the number of men? I have given one reason—namely, that as we employ armour-plated ships in lieu of line-of-battle ships we are able to diminish the number of men. But there is another reason, and a very interesting one, because it shows the great change which is coming over our navy. An old sailor would remember that in former days no captain of a ship was allowed, unless in cases of great emergency, to discharge objectionable men. It was supposed if you were to discharge objectionable men it would be a premium for bad conduct, and that the ships would become, so to speak, unmanned. That being the policy pursued in former days it was very difficult to get rid of a bad man—he had to be flogged over and over again. But now we have found it the best policy if you get an objectionable man to discharge him. We are now, therefore, engaged in weeding the fleet, which has been an immense advantage, and we are enabled to do so because the service is popular. That circumstance also will account to some extent for the small reduction in the number of men. We also reduce the number of boys by 2,000, and upon this point the Committee will expect some explanation. For the last three or four years I have been coming down and asking for an increase in the number of boys, and describing the immense advantage of those boys, and how they have really formed the nursery of our navy; and, therefore, you will naturally inquire why we propose to diminish the total of 9,000 boys by 2,000. If the Committee attend to the details which I will give, they will see how it comes to pass. The right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), who presided so ably over the Committee that inquired into the State of the Navy, will remember that one of the complaints of the officers was that they had not proper servants, like the officers in the army—that they had nothing but those little boys, and they asked the Admiralty to put them on the same footing in that respect as the officers of the army. That was a perfectly just grievance. On the other hand, the second class of boys who come into the navy dislike as a rule doing servants' duty; they find it very irksome, and they want to learn the duties of seamen. The Admiralty, therefore, said, "We will allow the officers a limited number of servants," and that change is just coming into operation. It is considered that from 700 to 800 servants will be required for the officers of the fleet. I have stated one reason which induced the Admiralty to do away with second-class boys in seagoing ships. But we propose another change—that, instead of second-class boys coming into seagoing ships there should be none but first-class boys, and that the second class of boys should be kept in training ships, but they are to be entered later, at 15½ instead of 15 years. I will show that this is a matter of policy. We have found practically that the great number of boys we have had in the navy has led to this — that our navy has been almost shut against the merchant service, and that is not desirable. I will go very shortly into the statistics. In our fleet we have 25,000 seamen, and it is very curious when you have eliminated artificers, stokers, officers, and marines, and boys, to find that in our immense navy we have only 25,000 actual seamen. We find that the annual waste, some 12 per cent, is gradually growing less, because desertions are declining, and the sailors are becoming more attached to the fleet. But I will call our waste 12 per cent, or 3,000. Now, out of that 25,000 a vast proportion are continuous service men. We are going this year to take 7,000 boys instead of 9,000, and according to the statistics which we have been able to gather, we find the 7,000 boys will supply about 2,000 seamen annually—that is, judging from the experience of the last few years, since the boy system has been fairly developed. The waste of seamen is 3,000. Now, that leaves 1,000 to be supplied from other sources; and we think it desirable there should be an opening for at least 1,000 seamen coming from the merchant service. That is the principle upon which we reduce the boys. We have given the circumstances due consideration. We believe 7,000 boys will keep the navy up to its present numbers; but if we should find that additional boys are required, I am sure this House will be always willing to increase their numbers. Now, let me state to the Committee why we have taken off 1,500 coast-guards. We paid off within the last two years 13,305 men. When these men come home we say to them, "You shall now have six weeks' leave on full pay, and you shall then have a choice. If you are continuous service men you will naturally remain in the service; if not, you may, if you please, leave the service." But I am dealing now mainly with the continuous service men. We say to them, with a view to give them a run on shore, "You may go for a year into the coast-guard ships, or the harbour ships." And that is one of the reasons why we are building naval barracks to allow our men some relaxation after they have been abroad for a time. But out of those 13,300 men whom we have paid off —such a curious creature is the sailor—a little above a thousand have volunteered for the harbour ships, and about a thousand for the coast-guard ships; the remainder go to sea again. Our coast-guard ships are now kept as a home squadron, and partly as a means of relaxation for the seamen. I do not say they have not done good service in the merchant ports, because the crews by mixing with the men of the merchant service throughout the country have made the navy more popular. But, as far as the wants of the country go, those ships may be reduced to a certain extent. The men did not like being penned up in the coast-guard ships, but preferred having their six weeks' leave and going to sea again; consequently, we have found 1,500 vacancies in our coast-guard ships. That is the reason why we propose this reduction of 1,500 in the coast-guard. This makes the total reduction of the number of persons in the navy as compared with last year 4,000. While on the subject of men for the navy, I should like to give the Committee a proof of the change that has taken place within the last few years with respect to manning the navy; and I will quote from a very admirable and comprehensive speech delivered by the right hon. Baronet the Member for Droitwich, when First Lord of the Admiralty, in moving the Navy Estimates in 1859. The right hon. Gentleman then stated that—

> "The *Renown*, commissioned in November, 1857, was detained 172 days for the purpose of completing her crew, and then sailed with sixty-two men short of her complement; the *Marlborough* was delayed 129 days; and the *Euryalus*, 121."

The right hon. Gentleman went on to say that one of these ships had been detained six months, but that they were delayed on an average four months before they were fit for sea after being commissioned, for want of crews. The right hon. Baronet went on to say—

> "Now, I ask the House, whether it thinks the ingenuity of any enemy could devise anything more humiliating, or more calculated to impress foreign nations with a conviction of the decay of the naval power of England, than the fact, that our ships-of-war remain in port, four, five, or six months together, unable to obtain their complement of seamen? I trust there will be but one feeling in the House as to the necessity of putting an end to a state of things so humiliating."—[3 *Hansard*, clii. 895.]

Such were the right hon. Baronet's words in 1859, and now let me show how things stand in 1863 and 1864. I avoid mentioning the names of small ships, because everybody knows that they could always be manned; but I will refer to line-of-battle ships and frigates. Last year we commissioned the *Leander* on the 14th of April, and she went to sea on the 17th of May, or little more than a month afterwards. On the 27th of April, the *Royal Oak*, a heavy armour ship, was commissioned, and she went out to sea on the 5th of June. The *Liverpool* was commissioned on the 30th of April, and went to sea on the 14th of May, or in about a fortnight. On the 24th of November the *Conqueror*, a 90-gun ship, was commissioned, and went to sea on the 14th of December, or in about three weeks. On the 12th of September the *Gibraltar*, 81-gun ship, was commissioned, and went to sea on the 28th of September, or in about a fortnight. The *Aurora* frigate was commissioned on November 18, and went to sea on the 11th of December. The *Duncan*, 81-gun ship, was commissioned on the 7th of January in this year, and went to sea on the 1st of February. On the 13th of last month the *Hector* was commissioned, and went to sea on the 19th of February. On the 14th of January in the present year the *Prince Consort* was commissioned, and went to sea on the 15th of February. Scarcely a ship remained more than a month after being commissioned before being ready for sea; and even that delay did not arise because men were being waited for, but because it was thought desirable to give the men and officers time to get themselves ready and make themselves comfortable before they went to sea. This, then, is a marvellous improvement in so short a time. Before proceeding further, I must frankly state that, admirable as our naval organization is, we are behind in one respect. It is most desirable that some body of sea-going artificers should be organized. I have no doubt that the arrangements just made with respect to the engineers will produce the best class of men; but where we feel a want, and where I think we are behindhand, is in respect to artificers. I admit that the present is an exceptional time. There is a great demand for men all over the country. Trade is flourishing, and every skilled artisan is in demand, and obtains high wages. Therefore, at the present moment, the want we feel is, perhaps, only temporary; but the fact is, there is no organization with respect to artificers for the navy, and what we must have is a corps of organized artificers for the fleet similar to that which we have in the army. It has been suggested to attach a body of artificers to the corps of marines, or to attach to the sailors a body of artificers, or to bring up a large number of artificer boys. I am not at present prepared to say what course should be adopted, but it is absolutely necessary, particularly with our armour-plated ships and complicated machinery, to have first-rate artificers for the fleet. I am sorry to say, that at present there is a great lack of them; but, with this exception, our condition is very satisfactory. We have at this moment disposable in the home ports, to put on board ship, 2,510 men. We consider that to be rather below our mark, but a great many ships are on their way home, and will bring up the number, no doubt, to 3,000; which is generally the number of disposable men in the home ports ready to be put on board ship. I take great pride in stating, that the conduct of our seamen is annually improving. The education they are now getting, and the increased comforts and conveniences they obtain, are raising them to a higher social position. In 1858-9 one-fifth of the men wore good-conduct badges; but in 1861-2, being the last period for which there is a Return, more than one-fourth were wearing them, and every year we are taking a larger sum in the Estimates for good-conduct badges. With respect to the allotment of wages by the men, I may state that, though that matter is not entirely as we might wish, one-half of our seamen allot to their families, and that is some test of respectability in their case. There is one point, in reference to the condition of the seamen, on which I wish to address a few words to the Committee. With respect to mortality and general health, I do not think that any public service in the world would appear better than the English navy; but there is a class of disease, especially about our home ports, which is so frightful, and the loss we sustain from it is so great, that I do hope the Government will be enabled to propose some measure on the subject. We subscribe to Lock hospitals, and are ready to increase the subscriptions; but something more is wanted. If you keep masses of young men together in the ports, you are bound to look to their health. The hon. Member for Bedford (Mr. Whitbread) and several other gentlemen have carefully investigated this matter, and have made a Report; but I dare not place it before the Committee. I will, however, show it to any hon. Gentleman who may desire to see it. I will not say more on this painful subject now, but I thought it my duty to advert to it. I have stated that, though we were somewhat reducing the number of men, there is, nevertheless, no cause for alarm; and I will now give another reason why small and gradual reductions here and there may be made. We are paying large sums for our Naval Reserve, and therefore we must take that into account in voting the number of men. We have 16,000 men in the Naval Reserve. Are we not to take this into consideration in framing our Estimates? We go to an enormous expense in ships and officers for drilling in our merchant ports. Surely, this must be taken into consideration, especially when we know positively that upon any emergency the Naval Reserve are ready to come forward and serve under our flag? Let me be permitted to read from a document which came into my hands a few days ago. It is a report of the seamen in the Naval Reserve in the port of London. It is not made up for the occasion, but came to me by accident. It is the report of Captain Gardner, Inspector of the Royal Naval Reserve, to Commodore Ryder, Controller General of the Coastguard, and is dated the 13th of February in the present year—

> "I consider it right, in addition to sending in the report of Inspection of the Royal Naval Reserve on board Her Majesty's ship *President* yesterday, to call your attention to the following statement made to me by Commander Mould, and which is of so satisfactory a nature in respect of the conduct of the men who have been drilled on board since July, 1862, a period of eighteen months. During that time 4,258 men have been drilled, and out of that number only fifty-three men have been punished by fines, principally for being absent from drill, a few for being drunk and unfit for drill, and two for being insolent to the instructors. I think the above speaks for itself as showing the orderly respectable body of seamen who have entered the Reserve at the port of London."

Commodore Ryder adds, in a minute, that he had inspected them himself, and that the gun drill was quite as good as it possibly could be. This shows what valuable material we have for the navy, and surely it may be taken into consideration when we frame our Estimates? I am glad to see the hon. Member for Sunderland (Mr. Lindsay) in his place, because I am able to inform him that I trust in a few days an Order in Council will be issued containing new regulations for officers of the Naval Reserve, reducing the number of drills annually for those who have become perfect in their drill. The constant occurrence of drill was one of the few complaints made to the Admiralty, and I hope the inconvenience will now be removed.

Passing over Vote No. 3, I address myself to Vote No. 5, for the scientific branch of the service. There is an item in this Vote not large in itself, and a sum to which the Committee will gladly agree. As the subject is one in which the noble Lord opposite (Lord Robert Montagu) has taken great interest, I think he will be pleased to find that Her Majesty's Government propose to establish a school of naval architecture. The right hon. Baronet the Member for Droitwich (Sir John Pakington) called on me last year to express his views upon the subject, and several hon. Gentlemen have also taken an interest in it. The difficulty was as to the whereabouts of the school. If we put it at any of the dockyards or in any Admiralty building it would be looked upon as a Government school, and it would be said, "This is a Government concern. It is not open to the public. We shall be too much in the power of the Admiralty." What we felt at the Admiralty was, that provided we could feel sure proper instruction would be afforded to our own students, we should be glad to see the public generally availing themselves of the school, so that it might become a great national institution. The way we set about it was this:—Lord Granville, who is at the head of the Science and Art Department at South Kensington, took a great interest in the matter, desired Mr. Cole to communicate with the Admiralty, and immediately put at our disposition proper apartments for naval models and classes, and, in short, everything that could be desired. In consultation with Dr. Woolley, the Government Inspector of Schools, and Mr. Cole, it was determined that there should be instructors and lecturers on chymical and physical science, and on the properties of all materials used in shipbuilding, such as wood and iron; that during the winter months the school should be located at South Kensington, where the pupils would undergo this theoretical education; that during the summer months the students should attend the dockyards under and with such instructors as were necessary; and that the Government pupils should be on the same footing as pupils of the private trade. I mean that all the privileges which the Government pupils enjoy shall be enjoyed equally by the public pupils. We give the entire direction to the Science and Art Department. All we ask is a guarantee that our own pupils shall be instructed in such matters which we think advantageous for Her Majesty's service. The private pupils will undergo such instruction as the officers of the Science and Art Department determine, and they will be received on payment of certain fixed sums in the way of fees. That is what we propose, and if successful, I can only say it will be one of the most valuable institutions in this country.

I pass on to Votes 8, 9, 10, which, as the Committee are well aware, are the great shipbuilding Votes; Nos. 8 and 9 being for the workmen, and No. 10 for materials. Upon Vote No. 10 there is a reduction in the Storekeepers' Section of £169,951, in consequence of the satisfactory condition of our principal naval stores. Hon. Gentlemen on this side of the House have very often cavilled with the great amount of this Vote; but I believe now that every one will be disposed to agree that we have done a wise thing in replenishing our dockyards. We have now a large stock of seasoned timber, and I am going to show the Committee what we want to do with it. The satisfactory state of the stores has enabled us to reduce the first section of the Vote by £169,951. On the second section—that is to say, the Controller's Vote, there is a reduction of £195,137. That reduction is owing to the fact that we are making very good progress in our iron armour ships, which we are building by contract. But there is a new item in that Vote, for which I may as well now take the opportunity to ask the sanction of the Committee. We propose to build six gunboats. We propose to build them on the twin screw principle. They are to be of about 700 tons, and to carry two powerful guns. They will be armour-plated throughout to the waterline, and have a limited space on deck to carry two guns. We expect to get thus six vessels well adapted for river purposes, and all purposes for which a light draught of water is necessary. If the Committee agree to the proposal, we shall ask for £64,000 this year for these vessels, the total cost being £120,000. That is really the only new thing which we propose to do by way of shipbuilding by contract during the coming year. Let me now advert to the important question of the armour ships building in our own dockyards. On Vote No. 8 there is an increase of £162,438. I wish to state briefly on what grounds I confidently ask the Committee to agree to that increased sum. Let me here state that we have now altogether twenty-five armour ships built and building, exclusive of these six gunboats. Of this number there are seven in commission. There are six which can be ready by the middle of this year. It is possible that if there is no necessity they may be put off beyond that, but they can be ready by the middle of the year. Six more will be ready by the end of the year, and in the course of next year the remaining six will be ready for sea, being twenty-five in all. This time last year we had twenty-one armour ships built and building, so that four have been added to the navy during the year. The hon. Baronet (Sir John Walsh), who so emphatically mourned the decay of the navy, and, looking back at the old array of line-of-battle ships, asked what we had now to show, must surely acknowledge that it is a marvellous creation to have made such important additions to the navy in so few years. [A MEMBER: It is only seven in five years.] We have twenty-five now under construction, and at the end of the year we shall have nineteen ready. That seems to me most satisfactory progress.

I now come to Vote 8, for workmanship in the dockyards, and will state upon what ground we ask for that large increase. In order that the Committee may be able to make a comparison between the last year and what we propose to do during the coming year, I will quote a Return of tonnage of armour-ships built between the

1st April and the 31st December last. I find that the amount of armour-ships constructed between the 1st of April and the 31st December last—nine months—was equal to 5,807 tons, and non-armour ships 683 tons. Now, during the next year we propose to build 13,604 tons of armour-ships, and 4,404 tons of vessels without armour. We have got in our dockyards seven armour-ships under construction. We shall be much more active in that way than during the past year. With regard to non-armoured ships, we are going to build a new class of vessel, which will not be armour-clad, but which, we trust, will be capable of doing as much service to their owners as the *Alabama*. In fact, we are desirous of constructing a class of vessel of great speed for the purpose of cruising and replacing some of our smaller class of vessels. That will, of course, entail a considerable amount of expense. The next service for which we require an increase in this Vote is for repairs and refitting of ships. I will tell the Committee frankly that our reserves of ships—I am speaking of those without armour—are not in so satisfactory a state as we could wish. They are getting old, and require very large repairs, which we have hitherto been obliged to put off, being so much engaged with the armour-ships. We expect this year to commission no fewer than sixty-four ships. What does that imply? It means that as many ships are coming into our hands for thorough repairs. This is a serious increase for the year, because the number of reliefs is about fifty-five for this year as against sixty-four next year. There is another source of increase in this Vote. It is caused by the circumstance that drill and training vessels are more largely required. Hon. Members fall foul of me in the lobby on this subject, and demand drill vessels for the Naval Reserve at this and at that port. An hon. and gallant Friend of mine opposite told me yesterday that one of these vessels must be stationed at Aberdeen. All that represents labour and involves expenditure, and, as these demands are arising all over the country, there will be an increased expense. Yet, I am very glad of it, because it proves that the Naval Reserve is extending. The transition state of the steam engines and boilers is another cause of outlay. Every day there is a new invention in regard to surface condensing, the generation of steam, economising fuel, and a variety of other matters, which tends to secure greater speed and economy of fuel, and the consequence is, that we are constantly compelled to alter the engines at great cost and to adopt new contrivances. There is this year a proportionate increase in the Vote on that account. I now come to another item. During the last five years I find there has been an increase of 20 per cent in the outlay for ventilation, cabin furniture, fittings, and for comforts and conveniences of every description for the officers and seamen of the navy. Much more pains are now taken to make them comfortable, and all that represents money. I think I have now explained to the Committee why we ask for an increase in this Vote. We want to effect more rapid progress in the construction of armour ships; we shall have to execute some very heavy repairs this year; and we also require to increase our first-class steam reserve. An argument which is often used is, that now we have got armour ships we need not keep so many other large vessels at sea. An armour-ship, it is said, is equal to a great number of the old wooden ones. It is perfectly true, no doubt, that these new ships are much more powerful than the old ones; but I can show that that does not enable us to reduce the number of vessels. I lately called for a Return of the number of detached single vessels among our foreign squadron on a particular day, and I now hold it in my hand. By detached vessels I mean those which are detached from our foreign squadrons on the application of consuls when any merchant or sailor has been wronged, and on similar missions. I find that out of 153 ships on foreign stations, there were 117 detached singly in that way. It is obvious that we cannot have 117 armour-plated ships, and therefore we must still maintain a considerable force of the smaller vessels. It is only deceiving the public to pretend that the increase of armour-plated vessels will lead to a material diminution in the lesser non-armoured ones. Hence we are obliged to keep up our dockyards, our plant and stores, wood, copper, &c. In regard to iron ships I will just mention a circumstance, which I do not say is conclusive, but which is rather curious. Hon. Members are always telling us to build iron ships, because they last so long without repairs. This was said even so late as last year. But these vessels are not without their disadvantages. The *Megœra*, an iron troopship, after having been only a short time out of dock, came home, and suddenly one day it was found she could not get up any steam, and she was therefore perfectly powerless, so far as her steam-power was concerned. If an enemy had met her, then she would have been unable to escape. Upon examination it was discovered that the accident was due to shell-fish having destroy the action of the supply-pipes which went to the bottom of the vessel—they had actually blocked up the "rose," so that of course no steam could be got. That is an illustration of the difficulties which attend iron ships. I should like to ask the hon. Member for Birkenhead (Mr. Laird), whether the *Alabama*, which he knows something about, could have cruised so long without being docked and undergoing repairs if she had been an iron ship? Why, she must have been docked half-a-dozen times before this. I must now say a few words in justification of the course the Government has taken in regard to the form of armour-ships; I wish to show the progress the country is making in regard to this class of ships. What we are now building is an entirely new class of ships—I speak of the successor of the *Achilles*, which is just now out of dock—the *Bellerophon*. This *Bellerophon* will be a remarkable vessel. This is what we expect her to do. First of all she is 4,200 tons, against the *Warrior's* 6,000 tons; she will carry plates of 6 inches in thickness along her entire length, against the *Warrior's* 4½ inches, with 18 inches backing; she will have a lining of 1½ inches of steel, and a backing of 10 inches, and she will throw a broadside of three-quarters of a ton of iron or steel, which is greater than the *Warrior's* broadside, with 2,000 less tonnage. I should like to show the Committee how we have got to this. Five years ago, in the early days of armour-plated vessels, when, as my right hon. Friend opposite (Sir John Pakington) in the famous speech in which he introduced the subject, stated that he had consulted all his own constructors and all the eminent constructors of the country, and told them he wanted a ship entirely plated with 4½ inch plates, of great speed and seaworthy qualities, and they all agreed that nothing under 6,000 tons would do, and that only partially plated. The *Warrior* was then commenced by my right hon. Friend; and when the present Government came into office they immediately adopted her, and thought the sooner they began to build another vessel the better. The four and a half years which have elapsed since that time have been a period of great pressure. We had no time to wait to see whether this thing or that thing would do. Everybody knows that two or three years ago constructions were going on in the French dockyards of such a nature that it was necessary we should go ahead. The competition is not at the present time so rapid, but for several years the exertions made in the French dockyards were enormous, and they obliged us to proceed. We then ordered immediately the *Black Prince.* But it occurred to us that though these ships were of great speed, and had excellent sea-going qualities, they had great defects. Naval officers said, "You will never be able to get them to turn round quickly enough; they are all very well for race-horses, to catch a fleet, but when it comes to the *mêlée* they will be run into—they never can turn quick enough." That was a defect, and the Duke of Somerset thought it necessary to order something handier, cheaper, and with less draught of water. Vessels were ordered of 4,000 tons—the *Resistance* and the *Defence*—and they certainly were handier and cheaper than the *Warrior* and the *Black Prince;* but they laboured under the disadvantage of being of less speed. Still we felt that we could not have every thing. Then it occurred to us that all these vessels had one defect—they had only a limited fighting area; being only partially plated, they could not carry their guns round the entire of their fighting deck protected by armour, and it was suggested to build vessels plated all round on the fighting deck. Hence rose the *Hector* and *Valiant*, somewhat larger than the *Defence* and *Resistance.* During this time all we had to contend against was the 68-pounder and the Armstrong 110-pounder, and all the world knows that the pivot of the whole is our guns. It was considered that a vessel was impregnable for all purposes if it was impenetrable to these, for though my friend Mr. Whitworth had shown a great power of penetration with his guns, we as yet had only the 68-pounder and the 110-pounder. In 1859 began an epoch which finished in 1861, which I will call the 68-pounder epoch. After having built the *Hector* and the *Valiant*, we thought the time was come when we must be prepared to have some check on the contractors, and to commence to build iron-plated ships in our own yards. It was not that we doubted the honour of the contractors, but we felt that it was incumbent on us to have some check, and that to build a vessel in our own yards would be an experiment of great interest. It was of equal importance that we should have some navy establishment where we could repair our iron-plated ships; whereupon it was determined that Chatham should be a Government establishment for building iron-plated vessels. I met with great opposition from some Gentlemen in this House, but I believe that all will concur now that it was a wise measure on the part of the Government. Accordingly, it was decided to create an iron-building establishment at Chatham, and to lay down there the frigate *Achilles.* At this time, likewise, it became necessary that we should ascertain what was the best quality of iron for plating, and that we should have a systematic and continuous series of experiments as to the proper thickness of iron, and as to the backing. Accordingly, a Committee was appointed, presided over by the gallant Officer opposite (Sir John Hay) which has done good service to the country. We desired that they should make all kinds of inquiries and experiments, and that they should give us all the assistance in their power. One of the first things they reported was, that whereas we were building ships with 4½ inch plates and 18 inch backing, the experiments showed them that it would be better to build with thicker iron and less backing. The resistance of plates, they said, increases as the square of the thickness; consequently, it is obvious that a 5½ inch plate would be more than proportionately efficient for resistance than a 4½ inch plate. Then came the construction of the greatest men-of-war ever yet built, or which, probably, ever will be built—the *Minotaur,* the *Agincourt,* and the *Northumberland.* The Government thought that it was absolutely necessary that we should have a perfect man-of-war of great speed, great fighting area, and armour-plated all round. The builders said that it could not be done for less than 6,800 tons. Those ships have 5½ inch plates with 9 inch backing. That is the history of these ships which have been so much criticized. It is perfectly true that afterwards there were trials of the plates which did not give the results we expected as to the advantages of the 5½ inch plates; but let me inform the Committee we had not the same knowledge of the manufacture of plates that we have now. It is ascertained beyond a doubt that the 5½ inch plates were not so good in quality as the 4½ inch plates with which the experiments were made, and the trial, therefore, was not conclusive against them. The Admiralty adopted the system on the recommendation of the Iron-plate Committee and of their own officers. About the same time we were much pressed by what was going on abroad. It was absolutely necessary that we should go on building armour-ships, and as we had five line-of-battle ships in course of construction—the *Royal Oak,* the *Caledonia,* the *Prince Consort,* the *Royal Alfred,* and the *Ocean,* it was resolved that these should be iron-plated. I believe these ships will be exceedingly valuable, though I admit that they are no longer impenetrable. But I believe that scarcely any of our ships are impenetrable against the guns which are coming. Now we come to a new era. About the middle of 1861, or rather between 1861 and 1862, it was manifest that we were coming to a new style of gun, and likewise to a new style of projectiles. The Admiralty felt that the future position of our armour-plated ships was very precarious. It was manifest that we could no longer keep out shot though we might hope to keep out shell. All the world remembers the great experiment with the 300-pounder which it was thought had penetrated the *Warrior* target. I was asked a question next day, and I was myself under the impression that it had penetrated the target; but it turned out that it never had actually penetrated it. Nevertheless, it was manifest that we must increase our powers of resistance. Here I must introduce the name of Captain Coles. He is a very excellent naval officer, and had long been desirous of constructing what were then called "cupola ships," but what are now termed, in consequence of his own alterations, "turret ships." At that time our great object was to reduce the tonnage, because we had long believed that the main defect of our ships was their vastness, which was not suited altogether for war, nor for our docks and harbours. Captain Coles undertook to build a ship of 2,500 tons; he was ordered to prepare drawings, and the *Prince Albert* was commenced. That was in the beginning of 1862. It is important to mention the date, because when the encounter between the *Monitor* and the *Merrimac* afterwards took place we were asked why we had not ordered turret ships. The fact is, we had already given orders for the *Prince Albert*, and she was progressing at that very time. Moreover, immediately after the affair of the *Monitor* and the *Merrimac*, the Admiralty ordered the *Royal Sovereign* to be cut down, and reconstructed upon the principle advocated by Captain Coles. With respect to those two ships, I have no doubt that during our discussions the Admiralty will be blamed for not completing their construction. I accept the challenge, for I am prepared to show that the blame is not due to any default on the part of the Admiralty, but is due to two circumstances, which I shall mention. One is that there has been great difficulty in getting proper plates and all the various component parts of the turrets; but I am bound to say also that the delay is partly due to the earnest desire of Captain Coles that, as we got more knowledge of the power of guns, he should be allowed to improve upon his original plans. He was not satisfied that the vessels should be completed as they were begun, but was frequently making suggestions, and those suggestions undoubtedly have caused considerable delay. I think it only fair to the Department to say so; but, at the same time, I do not blame Captain Coles; on the contrary, I think he was entitled to ask that he should be permitted to turn out the best article which he could produce. In the same year appeared another gentleman, Mr. Reed. Mr. Reed is well known to my right hon. Friend (Sir John Pakington). He came to the Admiralty and said, "You are building ships of an enormous tonnage, at an enormous cost. I am sure I can build a vessel for you very much smaller, very much handier, very much cheaper, and yet completely armour-plated and safe from shot." Mr. Reed is a very scientific man, and a man greatly respected, and his view was that our first object should be to protect the water-line of our ships. "It is all important," he said, "that you should build your ships with their water-line safe, even though you are obliged to sacrifice some of their fighting qualities." At that time almost all our iron ships were without iron-plated ends. The arrangements which had been made for keeping out water were, I admit, very clever and ingenious, but still every practical man knew that they were defective. Mr. Reed offered to construct for the Admiralty a ship to carry a few heavy guns, and plated fore and aft, under 1,000 tons. That is the ship which was lately launched at Devonport. A similar vessel, but somewhat larger, has been launched at Pembroke. Those vessels have realized the anticipations of the builder, and, as far as I know, we have every reason to be contented with the plans of Mr. Reed.

I now come to the events of last year, including the debates which took place in this House on the subject of armour-plating. There actually were discussions followed by divisions in this House as to whether it was advisable to build in wood or in iron, and I think the House arrived at a wise decision when it resolved to give the Government full liberty to take what steps they thought fit. First of all we commenced two wooden ships, called the *Lord Clyde* and the *Lord Warden*, with respect to which, though I have all the particulars with me, I shall only state that they are rather larger than line-of-battle-ships, will have considerable speed, will carry heavy guns, and are plated throughout. They have this further advantage over other wooden ships — they have not only got 4½ inch plates, but have likewise a skin 1½ inch thick, inside the backing of the plates, which increases their power of resisting shot and shell. Their battery is carried right along, and, upon the whole, they may be regarded as an improvement upon the *Royal Oak* class. In addition to the *Lord Clyde* and the *Lord Warden*, there is a small line-of-battle-ship called the *Zealous*, which is to be fitted on the principle propounded by Mr. Reed. A fourth vessel will be, if she succeeds, one of the most remarkable that this country ever possessed. Hon. Gentlemen who are fond of yachting ought to visit the *Pallas*, because she is a vessel of a very peculiar form, which we have adopted from the French. All the reports we receive from France agree in representing that the best ships they have are the *Solferino* and the *Magenta*. They go well in head seas, and plunge less than other vessels, and this is due to a remarkable peculiarity in the construction of their bows. Each is provided with what may be described as an elongated bow under the water. We have adopted the principle. There are two small vessels, one of which is built and the other nearly so, and we are putting an elongated bow upon one of them, so as to give the principle a fair trial. The *Pallas* will have great speed; we believe, indeed, that she will be the fastest ship in the navy, and she will be supplied with a limited battery. She is 2,300 tons, and is expected to go fourteen knots. I now come to the *Bellerophon.* She is entirely of iron, with a limited battery, but carrying no less than 6 inch plates, with a 1½ inch skin inside a backing of 10 inches, the whole extending fore and aft. She is the most powerful ship in the navy, possessing the heaviest broadside, and it is said that her speed will almost equal that of the *Pallas.* Such, then, is the present state of the navy. We have twenty-five ships built or building, and I have given you all the particulars respecting them.

Let me now advert shortly to the question of guns, because, after all, that is the pivot of the whole. The Admiralty have not been happy in their guns. It is important, in dealing with the question of guns, that we should distinguish between ships and forts. With respect both to armour-plating and to guns, we are limited, as I have often stated, to a certain weight in a seagoing ship. Such a ship cannot carry a gun above a certain weight. What we may come to in future I shall not pretend to say, but at present practical men have arrived at the conclusion, that a gun weighing more than 6½ tons, if not 6 tons, cannot be worked at sea. The Duke of Somerset, finding that we had no prospect of a gun for the navy, communicated with the late Lord Herbert on the subject, and the result was the issuing of an order for a simple smoothbore gun capable of carrying a charge of from 25 lb. to 30 lb. of powder, and of throwing a 100 lb. projectile. Such a gun has been prepared, and has been most successful. It weighs 6¼ or 6½ tons, carries a charge of 30 lb., and throws a spherical projectile of 100 lb. I shall tell you what it has done. It is a simple muzzle-loading gun, and it has pierced plates 5½ inches thick, and the side of a line-of-battle ship at 200 yards with steel shot. When such a result was effected we felt satisfied that we had got a powerful gun, and we gave orders for fifty guns of the same description, which are now being made at Woolwich, I think. We expect to receive the whole of them by July. At the same time, the Admiralty thought that we ought not only to have some smoothbore guns, but also some rifled guns, still, however, limiting them to that weight, and Admiral Frederick's gun has been ordered, and is about to undergo a trial. It is a rifle, 7 inch as against the 9 inch bore of the smooth gun, while weighing the same and carrying the same weight of projectile as the smooth gun. That is the prospect we have now for the navy; but, at the same time, such has been the success of the Armstrong 300-pounder—which, in fact, throws a 150 lb. spherical projectile, though it is called a 300-pounder — that, though it weighs 12 tons, we think it fair to try it experimentally. We have a stock of them, and, accordingly, guns of this description are to be put on board some of our ships, including four on the *Minotaur*, ten on the *Bellerophon*, five on the *Royal Sovereign*, and four on the *Prince Albert.* Having now wound up the story of the ships and the guns, I may observe that Mr. Whitworth's 7 inch gun was fired at a target of the thickness of the plates of the *Bellerophon*, and it did not pierce it. Neither did the 300-pounder with a steel projectile. I believe the distance at which the firing was made was over 200 yards, but I do not remember the exact distance. The House will perceive, therefore, that the *Bellerophon* is a virgin target so far. I think the course the Admiralty have taken has been very fair and consistent. We have put the public to great expense; we have consumed seventeen targets and five or six target-ships; but we have done so in a careful endeavour to produce for the country the best ships it was possible to procure; and I believe I may say that, on the whole, we have been very successful.

And now I pass on to Vote 11, which is for docks and basins. This Vote shows a considerable increase. We are building no less, I think, than three barracks for marines—building or enlarging to such an extent as that they may be said to be new barracks. That is due to the large increase in the number of marines which has taken place of late years. Likewise, we are constructing large works at Chatham. Then, with regard to Portsmouth, we propose to make a great basin there very similar to the enlargement at Chatham. This is so great and important a scheme that we have thought it right to propose a Committee of the House to examine it and report their opinion to the House. I shall move for that Committee this night. Now, at the same time that we are increasing our dockyards in some directions, where we can reduce them in others we do not neglect to do so. I am sorry to say my constituents were not satisfied that we should be reducing Deal dockyard, but they have the good sense to see that the place is too exposed to keep stores in. In spite of the whole fleet of England, an enemy's gunboat might come there and set fire to the stores. The dockyard at Deptford will be got rid of when we have Chatham. I must also advert to the sum of money which we propose to take for Malta dockyard. I shall not go into particulars concerning the dockyard at present, because an hon. and gallant Gentleman (Captain Talbot) has given notice of a Motion to oppose our proposal, and I shall be perfectly prepared, whenever the Motion comes on, to defend the course which the Government have taken with regard to the Malta dockyard. Nor, indeed, should I revert to the point on which I am now about to trouble the House for a moment, if merely a personal question was involved in it. The other night, in a debate we had on Malta dockyard, I said that two ships which had lately gone out to the Mediterranean could be docked in Her Majesty's dockyard there. It so happened that when I read *The Times* the next morning I saw it reported that Lord Clarence Paget had said the *Royal Oak* and the *Resistance* had been docked at Malta. Knowing as a matter of fact that they had not been docked there, and that I had only said that they could be docked there, I wrote to the Editor and requested a correction of the report. The correction appeared, and I thought that would have been sufficient. I need scarcely observe that as Secretary to the Admiralty I must have known that those ships had only just been ordered out, and, of course, could not have been docked at Malta. To my surprise I read in *The Times* of this morning the following letter:—

> " *To the Editor of the Times.*
>
> "Sir,—I observe that the Secretary of the Admiralty has corrected the impression under which we all laboured—namely, that he had stated that the *Royal Oak* and the *Resistance* had been in dock in Malta. He still, however, seems to be under the erroneous impression that the *Royal Oak* could go into Malta dock with her stores on board.
>
> "Malta dock has 22 ft. 6 in., or thereabouts, over the sill. The *Royal Oak* draws 26 ft. A ship of her size and tonnage requires the removal of nearly 30 tons to lighten her one inch. She would require to be lightened three feet and a-half at least to enter Malta dock, which would necessitate the removal of about 1,200 tons of stores. This involves the removal of men, guns, coals, and a large proportion of her stores and provisions—work which occupies time, labour, expense, and destruction of property and efficiency.
>
> "The *Resistance* would require the removal of about 300 tons to lighten her for admission to Malta dock. All the ships of the *Minotaur* class would require the removal of nearly 2,000 tons of stores, &c. All the ships of the *Warrior* and *Royal Oak* classes would require to be dealt with like the *Royal Oak*.
>
> "All these ships would require to be lightened from one to three feet, to reduce their draught to 25 ft., and enable them to approach the site of the proposed new dock in the Marsa.
>
> "I stated these facts, as may be seen on referring to the report of my speech during the discussion, which is to be found in most of the morning papers.
>
> "I am, Sir, your obedient servant,
>
> "Feb. 24. J. C. D. HAY."

Now, Sir, I think it is usual in this House when we have debates that we argue with our opponents here. We do not enter into newspaper controversies with one another; but when an hon. Member makes a statement from which we differ, we avail ourselves of the opportunity we have of stating face to face the points with respect to which our difference arises. That course has not been adhered to in this instance; and on reading these words—

> "I observe that the Secretary of the Admiralty has corrected the impression under which we all laboured—namely, that he had stated that the *Royal Oak* and the *Resistance* had been at dock in Malta."

I thought I would like to see whether any of the other newspapers reported me to have said those ships had been docked at Malta. I looked into the paper which represents the party to which the hon. and gallant Member belongs—*The Morning Herald*—and I found my observations reported correctly. The same was the case in *The Daily News* and *The Morning Advertiser*. These are the three papers which I consulted, and every one of them gave a correct report of that portion of my speech. Therefore, I think the insinuation implied in the words of the hon. and gallant Gentleman which I have just quoted is entirely unfounded. I should have thought it utterly beneath me to notice an insinuation of the kind, had it not been accompanied by a grievous misstatement on a matter respecting which the public are most anxious to be correctly informed—that is, the dock accommodation for our men-of-war. The House will give me leave to read a report on the Malta dock which I received this day from the Controller—

> "The sections of the dock at Malta (the old dock enlarged and now ready for use) are as shown on the accompanying drawing, received from the Director of Works' Department. The section of the *Royal Oak* has been drawn in, and from that it appears that she would require to be lightened

13½ inches (by the removal of 418 tons), so as to bring her to 23 feet 6 inches even keel. But it would be desirable to have the bilge pieces more clear than as shown. The draught of water should be reduced still more — say six inches — giving 23 feet even keel, to effect which the weight to be taken out would be 604 tons. The quantity of coals which she stows is 600 tons, and the quantity of water in the boilers 100 tons."

Therefore, all that she requires to lighten her to go into the Malta dock are her coals and her water. Now, inasmuch as we generally go into harbour with our coal bunkers empty and with little water, that ship would have very little to take out. The hon. and gallant Gentleman said, I believe that this dock has only 22 feet depth of water. In his letter to *The Times*, he puts it at 22 feet 6 inches. Now the fact is, that the depth of water in the Malta dock is 25 feet. I ask, therefore, whether an officer of the navy who comes down and tells us that, from having commanded ships, he knows what ships are, ought not to be more accurate before he reflects upon the Secretary of the Admiralty. I, however, put the personal matter out of the question. I do not mind his insinuations, but what I am really anxious about is, that the public should not suppose that our docks at Malta are totally unfit to receive our armour-plated ships.

I think, Sir, that I might now sit down, having, I fear, wearied the Committee with a long statement; but there remains to me a duty which I confess is very pleasing. It has been my lot, during the time I have occupied a place on these benches, to have to resist appeals from all classes of officers in the navy—appeals, in opposing which I had naturally to sacrifice my own personal feelings. Well, it is not without gratification that I announce to the Committee that there will be some increase of charge proposed hereafter, on account of the improved pay of different classes of naval officers, including petty officers. The Committee over which my right hon. Friend the Member for the University of Cambridge (Mr. Walpole) presided, went very carefully into all the matters on which it was allowed to enter. It was not allowed to touch the question of the pay of the navy, but had to confine itself to the subjects of promotion and retirement. But I am bound to say that I believe the feeling of that Committee was, that it would be very acceptable if any improvement in pay such as we shall submit were granted. Many other proposals were suggested by that Committee, but they are so important that the Government thought they ought to be the subject of a full detail and special discussion in this House; and I only allude to them now because of the undoubted effect this recommendation would have upon the reduction of £303,000, which I have announced. Therefore, without going further into these matters at present, and thanking the Committee for the patience with which they have listened to me, I will content myself with moving the first Vote—

"That 71,950 Men and Boys be employed for the Sea and Coast Guard Services, for the year ending on the 31st day of March, 1865, including 18,000 Marines."

Motion made, and Question proposed,

"That 71,950 Men and Boys be employed for the Sea and Coast Guard Services, for the year ending on the 31st day of March, 1865, including 18,000 Royal Marines."

Sir JOHN HAY said, he should not have intruded on the Committee immediately after his noble Friend had spoken, but for the special manner in which his noble Friend had directed his observations to him a few moments ago. And, first of all, he would address himself to the personal matter to which his noble Friend had alluded. He was glad that his noble Friend had read the letter to *The Times*, as he had done, because he thought there was nothing in it at which he need have taken offence. He had certainly been under the impression, and so also were two of his hon. and gallant Friends sitting beside him, that the expression used by his noble Friend was that the *Royal Oak* had been in the Malta dock. However, he was quite willing to believe that his noble Friend had a better recollection of what he himself said than they had, and he was quite ready to accept the information which his noble Friend had accorded to *The Times* newspaper, in the letter which he wrote to it on the following morning, correcting its report. When he spoke the other evening of the depth of water over the sill of the dock—he had himself placed his ship in dock at Malta, and he had also the letter of Admiral Codrington on the subject in his hand—he was not then aware that the dock had been deepened by three feet, as his noble Friend said it had been, since the last papers relating to the matter had been laid upon the table of the House at the end of last Session. If it had been so deepened, then it would be of so much more advantage to certain ships, as it would enable them to get into that dock without lightening themselves to the extent which he had supposed would have been necessary. Still, it was manifest that the *Royal Oak*, and still less those ships which drew more water than she did — it was manifest that first-class iron-plated ships, drawing twenty-five or twenty-six feet of water, would be unable to avail themselves of Malta dock, being ready for sea, as they ought to do. He trusted that would satisfy the House that in writing the letter to *The Times*, in which he ventured to correct that newspaper's report, or rather its want of any report of his speech, his object was that he might not appear to yield to his noble Friend the point he claimed as to the utility of that dock at Malta, which he still believed to be useless for the purpose of maintaining our navy in the Mediterranean in a state of efficiency. There were a few other points in his noble Friend's statement to which he wished to advert; and first, as to the proposed reduction of 2,000 boys. In spite of the reason given for that reduction, he did not deem it a prudent thing to reduce the boys in the way proposed in the Estimates. True, it might be desirable to induce merchant seamen occasionally to join the navy; but he should be very sorry to have to depend upon them to any extent. The time at which they would be most wanted would be the time when it would be necessary to have a number of men trained in their youth for the navy, so as to give them confidence, discipline, and a knowledge of those points which should be attended to by seamen of the navy. And here he would call his noble Friend's attention to what he thought was rather a mistake as to the boys of Greenwich school. Considerable expense had been incurred in instructing these boys to join the navy; and he understood that an order had been given that they should be discharged at 13½ years old, and not retained there for the purposes of education. He trusted that was not true. His noble Friend had assured them that no boys were to join the navy till they were 14½ years of age—that there were to be no more second-class boys, but only first-class. Therefore the boys at Greenwich would be discharged at 13½ from the school where they were educated, and he should like to know what was to become of them during the year that must elapse before they were 14½. His noble Friend did not quite correctly explain the building of the *Minotaur*. The three ships of that class constructed by the Admiralty were not constructed in consequence of a report of the Iron-plate Committee, but in default of a report from that Committee. He did not blame the Admiralty for constructing those ships. Under the circumstances he did not know that the Admiralty could have done anything else than they did. The impression entertained at that time, both by the Admiralty and the other officers consulted, and also by the Iron-plate Committee itself, was that, if possible, a reduction of the wooden backing and an increase in the thickness of the iron plates would be advantageous. But the Committee did not report without experiment that it would be satisfactory. They endeavoured to obtain a plate of 5½ inches thick and a target to test the plan. These were not ready till the 25th of July, 1862, and, in the mean time, the Admiralty, without waiting for the Report, had determined to build these ships. He believed that was in consequence of some necessity in regard to the contractors; but he was bound to say experiment proved that these ships were not by any means equal to a side constructed on the *Warrior* principle. The Report of the Committee stated that the reduction of the wood backing from 18 inches to 9, as in the case of the *Minotaur* class of vessels, did not appear to be sufficiently compensated by one inch more of iron. The general character of the Report went to show, that the impression which the Committee had before, and which the Admiralty had, was an erroneous one; and it would have been advantageous to the country if the necessity had not arisen for commencing those ships on the plan adopted, instead of that which had been proved to be superior. He also wished to allude to the case of the *Bellerophon* target. It had certainly not been a proved success. The advantage of a 6 inch iron plate was very great if they could get a good one; but of the two on that target one only was good, and moreover the firing at that target was not with the same charges as the other targets, being only 35 pounds of powder against the *Bellerophon* target, and 45 pounds and 50 pounds against the *Warrior* and Chalmers' targets respectively; and, therefore, the velocities could not be compared. Although he had not condemned the *Bellerophon* target, he should be sorry that it went forth on the authority of the noble Lord, that the experiment was arranged by the Iron-plate Committee, or the target was put to the same extent of strain or tested at the same velocity as other targets. He trusted, however, that the *Bellerophon* would still be a good ship. With reference to what had been said about guns, he conceived it by no means impossible that guns above 6½ tons could not be used in ships for broadside firing. It was very desirable that we should make our ships to carry guns that would do the work required, and he could not believe that there was any great difficulty in arranging mechanical contrivances and the fittings of a ship so as to make what was merely a floating platform for guns, to carry those which would do the service required. He was sorry it appeared to be supposed impracticable to overcome the difficulty of coppering an iron ship. There seemed no reason to him why it should not be done—there was no reason why wooden sheathing might not be attached outside an iron bottom, and copper fixed to it by some method to prevent that evil occurring to which the noble Lord alluded in the instance of the *Megœra.* One suggestion was specially held forth as capable of success. He alluded to the proposal of Mr. Grantham, who had succeeded in coppering iron ships now at sea. The experiment was about to be made of building gunboats with twin screws. He thought by that means we should succeed in making our steamships much more manageable than they now were, and even long ships might be turned in their own length, which was the great *desideratum* in naval manœuvres. He trusted that at least one of those six ships mentioned by the noble Lord would soon be ready, so that they might see the advantage of the adoption of the twin principle, and that before long they would see two screws attached to every ship in Her Majesty's navy. He was very glad to hear from his noble Friend, that the Report of the Committee over which the right hon. Gentleman the Member for Cambridge University presided last year was not to be allowed to fall to the ground; and that some of those ameliorations pointed out would be adopted. He had intended to allude to some of those recommendations, but as the noble Lord indicated that the Admiralty were about to attend to it, he should postpone to a future occasion any observations he had to make on that question.

Mr. STANSFELD said, he merely rose to correct a misapprehension under which the hon. and gallant Member for Wakefield (Sir John Hay) appeared to labour.

He seemed to be under the impression that boys were to leave Greenwich School at the age of 13½ and not to enter the navy till 14½. It was precisely the reverse, the time during which they were to remain at school had been extended till 14½, at which age they would enter the navy.

Sir JOHN PAKINGTON: Sir, the annual statement of the condition of our naval force, and of the intentions of the Government with regard to those forces, is always one of great interest, and I must say that the statement which we have heard from the noble Lord forms no exception to that rule. It is not my intention to follow the noble Lord through the great variety of subjects on which he has touched; but there are some parts of his statement on which I desire to offer a few remarks. The first, and, in my opinion, by far the most important topic on which he touched, was the reduction of the naval strength of the country to the extent of 4,000 men this year. Now, considering the present state of Europe—considering the present state of America, I cannot refrain from expressing my astonishment that Her Majesty's Government should have thought it desirable to effect a very great reduction in the number of men in the navy. I admit that this is a matter to be submitted to the House on the authority of the Government. The Government are, of course, responsible for the force which they propose to this House for a Vote, and, I presume, they have come down to the House to propose this great reduction of the naval strength of the country on grounds which appear to them to be sufficient. But I cannot help remarking upon it as a matter of considerable surprise, and I very much doubt the wisdom of that decision both in fact and in theory. Considering the language used in the despatches of the noble Lord at the Foreign Office—considering the fact that the Prime Minister came down only a few days ago and used expressions of most unusual strength with regard to the conduct of some continental Powers, I cannot help thinking that, when simultaneously with the use of such language, the Government come down and propose a reduction both in our navy and our army, the effect must be to impress on the Powers of Europe the belief, which I fear has obtained too much already, that the louder we talk the less we are disposed to act. There is an obvious danger that the course which the

Government are taking is likely to produce a painful impression on both sides of the Atlantic, both in appearance and in fact; and I cannot refrain from expressing my doubts whether this is the moment at which the Government ought to have proposed to Parliament anything like a reduction of our military and naval forces. Whilst I doubt the wisdom and policy of the Government in proposing to reduce the strength of our navy and army, I feel no less surprised at the manner in which, as the noble Lord has now explained to us, the Government intend to make that reduction. The difference of 4,000 men in the strength of the navy consists, in the first place, of the reduction of 500 seamen. I very much doubt, notwithstanding the explanation of the noble Lord with regard to the fact, that the armour-covered ships do not require such large crews in proportion to their tonnage as the old line-of-battle ships did. I very much doubt whether that explanation is sufficient to induce us to knock off 500 seamen from the strength of the navy. Still more do I doubt the propriety of the reduction of 2,000 boys. If there is one thing more than another for which the noble Lord has taken credit in former years—and I have always concurred in giving him credit for it, and for which credit is justly due to him—it is for the extent to which he has carried the system of training boys for the navy. I believe there is no one conversant with the affairs of the navy of England who does not know that the best seamen we have are those which we raise and train from our boys for the service. And what is the explanation which the noble Lord has given for the reduction in the number of these boys? The noble Lord tells us—what we knew very well before—that the boys grow up to be men, and that when they so grow up we have such a quantity of men as to render it unnecessary to open the navy to the mercantile marine; and he went on to state that, by reducing the number of boys, we should reduce the number of men, and leave an opening for admitting sailors from the mercantile marine. I did not understand whether the noble Lord wished to reduce the strength of the navy or the number of boys, in order that he might bring strength from another source. If the latter be the intention of the noble Lord, as I believe it is, I think he is making a most serious mistake. I by no means underrate the value of deriving strength from the mercantile marine; I concur in the policy of keeping up the Naval Reserve, which is drawing strength from the mercantile marine; but, I think, the Admiralty could not have made a greater mistake than in displacing those boys, who become most valuable seamen, in order to replace them by any accidental addition to be derived from our mercantile marine. The next reduction proposed by the noble Lord is in the coast-guard. I think this a most unwise reduction. Whilst the noble Lord has taken credit from year to year for training the boys to strengthen the navy, the right hon. Gentleman the Secretary for India, who preceded me as First Lord of the Admiralty (Sir Charles Wood), always took credit—and very justly took credit — for having founded the present system of coast-guard service, and on one occasion he charged me with not supporting the coast-guard efficiently. Now, I have never denied the value of the coast-guard as a reserve. I believe they are our best reserve. They are a reserve not like the Royal Naval Reserve, consisting of men constantly engaged in the merchant service, and not accustomed, except for very short periods, to the discipline of a man-of-war. We trust to them for an emergency, but our first and most valuable reserve is the coast-guard, consisting entirely of trained and disciplined seamen, and I think the Government are making a great mistake in reducing their strength. The noble Lord went on to tell us of the popularity of the service; and then said, that throughout the past year the strength of the navy has constantly been several thousands below the amount voted, and that the coast-guard has averaged about the number to which he proposes to reduce it. So that instead of judging what the real requirements of the country demand, he proposes nominally to reduce the coast-guard and the number of seamen altogether to the number we have actually had; in fact, bringing down the numbers to what we have got. That is a very poor reason for the course he is pursuing, and I am afraid it does not tell much for the popularity of the navy, for it is clear that the Government have been unable to get the number of sailors Parliament thought necessary for the service of the country last year. The noble Lord did me the honour of reading a very long extract from the speech which I made on moving the Navy Estimates in 1859, and adverted to the strong terms in which I then commented on what I considered the disgraceful fact which occurred at that time, that some of our ships of war were lying at our ports, and waiting in vain for men to join them. When I made that statement I am sure the noble Lord will admit that, whilst I condemned the unfortunate state of things that led to it, I expressed my earnest hope that no future Board of Admiralty would allow that state of things to again occur. I did what I could to prevent it then, and I am sure my noble Friend will admit that I have never failed to support him in his attempts to prevent its recurrence. No part of the noble Lord's speech gave me more satisfaction than that which informed us there was now a reserve of 2,400.

LORD CLARENCE PAGET: 2,510 men and boys.

SIR JOHN PAKINGTON: A reserve of 2,510 men and boys ready to be put on board any of our ships that may require manning, and to prevent a recurrence of that very discreditable state of affairs. The noble Lord, in the latter part of his speech, referred to a most interesting part of this subject, in which I am afraid Her Majesty's Government have not been so cautious as they should have been — namely, the efforts which France has made to procure an armour-plated fleet, and he used the expression that it was absolutely necessary for us to go ahead. I have always felt and admitted that; and I have never for a moment thrown blame on Her Majesty's Government for trying any experiment which our present extraordinary transition state in this matter might have rendered necessary. We have been obliged to feel our way. The noble Lord adverted to the *Black Prince* and the *Warrior*, which were built when I was at the Admiralty, and it has been a subject of equal gratification and astonishment to me, that those experiments should have been so successful as they have been. And I say it with more freedom, because it was not to me as the Minister of the Crown who ordered them — all I could do was to take the greatest possible trouble and pains I could, to get the best advice on the subject—that the credit of their success was due but to the officials of the Admiralty and Constructors of the Navy, and the advice we received from the various shipbuilders of the country. The main peculiarity between these ships and those to which my noble Friend has referred, as constructed by the present Board, is, that whilst we held that the first desideratum was high speed, I decided, in order to obtain seagoing qualities, not to apply armour all round the ships, but only amidships in our first experiments; whereas the present Government have tried the experiment of carrying armour all round the ships, both fore and aft. Up to this moment, however, the success of the latter experiment has not been tested, at least in England. But, if I may believe the newspapers, it has been tried in the French navy, and the result has been to establish the wisdom of the first idea, that ships can only, with a due regard to prudence and safety, be plated amidships. I do not know if those reports have come to the noble Lord's knowledge, and if he can say whether they are correct or not; but they are very important reports, and those which I have read do show that the French ships, armour-plated all round, do not possess the requisite seaworthiness in heavy weather, and the French Government had even talked of removing the armour-plates from the bows in consequence. The noble Lord did not refer to a very remarkable circumstance, which caused at the time much excitement and much public anxiety—namely, the case of the *Prince Consort*, which so narrowly escaped foundering. It was a most providential circumstance that this ship and her crew were not all lost in her trip from Plymouth to Liverpool; and I should like to ask the noble Lord whether, in his opinion, he thinks plating that ship fore and aft had anything to do with her extreme danger? As this is by far the most interesting question in regard to the construction of our navy, I wish the noble Lord had given us some few facts in connection with it. Another point on which I think the noble Lord touched lightly—and whilst I give Her Majesty's Government credit for trying all fair and reasonable experiments, I think they have been rather precipitate in what they have done —the noble Lord spoke of the *Defence*, the *Resistance*, and three or four other armour-plated ships, which were ordered by the present Government shortly after they came into office. Now, I think they made a mistake in ordering ships of such small speed; but in point of arming them fore and aft, the *Defence* and *Resistance* were exactly on the same plan as the *Warrior* and the *Black Prince*. The next ships the present Board of Admiralty ordered were three 500 tons larger each than the *Warrior*—namely, the *Minotaur*, the *Northumberland*, and the *Agincourt;* and the noble Lord has told us that, instead of following the armour-plating of the *Warrior*, 4½ inches of iron, backed by 18 inches of wood, he had decided to alter the armour to 5½ inches of iron and 9 inches of wood. Well, Sir, in Vote 10, I find a Vote of £30,000, a similar sum to that which was taken in the Estimates of last year for experiments. I take no exception to that Vote, but I presume that, as the noble Lord did not allude to it in his statement, that those experiments have reference to the building of targets for testing the most effective kind of armour-plating. [Lord CLARENCE PAGET: Yes.] Before the Government decided on spending so vast a sum of money as must have been spent on the *Minotaur*, the *Agincourt*, and the *Northumberland*, I think it is a pity they did not try them, and see whether or not the armour used on those ships was or was not the best that could be applied. The fact, I believe, is, that that armour has turned out very defective, and that it is a very common fact that the additional inch of iron is no compensation for the loss of the nine inches of wood, and that eighteen inches of wood with thinner iron resists shot better than thicker iron and less wood. I think we have some right to complain that the Government did not try it before they decided on building these ships. I speak under correction, but I am informed that, pending the building of these costly ships, an experiment was tried, and the armour was found not to answer, but that the Government refused to make any alteration in their construction on the ground that it was too late, the contracts having been made.

LORD CLARENCE PAGET: The Government left it open, and they gave themselves three months' law to decide, whether they would have them built of 4½ inch iron and 18 inch wood, or 5½ inch iron with 9 inches of wood, both being of the same weight. At the end of that time, on the recommendation of the Committee and the Admiralty advisers, we decided on the 5½ inches of iron and the 9 inches of wood.

SIR JOHN PAKINGTON: I think the noble Lord's statement has made the matter worse than I at first thought it was. I thought the excuse was that the contracts were made, and that it was too late to alter them. Now the noble Lord says they were not made, but that they were kept open till the experiments were tried, and it would appear they deliberately selected the weaker and worst of the targets. [Lord CLARENCE PAGET: No.] Then I do not understand the noble Lord's explanation. The noble Lord does not deny, that on the trial at Shoeburyness the additional inch of iron was shown to be no compensation for the reduction of the thickness of the wood; and if the Admiralty kept the contracts open till after the trials in order to know which was the best, I cannot understand how it was they decided on what appears to be the weakest. Am I to understand that the Government were bound to accept the recommendation of the Iron-plate Committee in the face of actual experiments? I cannot for a moment suppose any person would contend for anything so preposterous. I rather doubt the recommendations of that Committee, and I am disposed to believe—

SIR JOHN HAY: I endeavoured to explain to the House, not long ago, what the facts were. What happened was this:—The Iron-plate Committee endeavoured to make the experiment, but the 5½ inch plates were not ready at a given date in July. The instant the experiment was made, however, the Committee reported that the 5½ inch plating with 9 inches of backing was inferior, and much inferior, to the *Warrior* target with a 4½ inch plating and an 18 inch backing.

LORD CLARENCE PAGET: Yes; but it was too late.

SIR JOHN PAKINGTON: It appears the Iron-plate Committee did report the other way, though the noble Lord says they adopted the 5½ inch armour in deference to the Committee. I attach very great weight, indeed, to the Report of any Committee of which my hon. and gallant Friend is the Chairman; and I cannot but think that, after the experiments at Shoeburyness, which proved the inferiority of those plates, it ought to have been sufficient to deter Her Majesty's Government from applying them to their ships. The result is, that we have a most unsatisfactory state of things, as I think, from the want of due caution on the part of the Admiralty—namely, three ships, the most important that have ever been added to the navy, covered with these inferior armour plates. It was not a case in which they were feeling their way and were bound to run some risk. They had the means of judging, and they ought to have come to some more satisfactory conclusion. My noble Friend talks very much of the *Bellerophon* class of ships, and has told us what a wonderful ship she is to be. I want to know if I am not right in saying, that the *Bellerophon* target is not, with a very slight difference indeed, the Chalmers' target? I am assured that it is substantially so; but it is a matter on which I will not now dwell, as it will, probably, come before the House on some future day, in consequence of the manner in which the Admiralty has treated Mr. Chalmers. He is a very scientific man, and has, I believe, invented the best target that has ever been made for the resistance of any kind of projectiles yet invented. I believe that the *Bellerophon* target will turn out the best yet used by the Admiralty, and for it the Admiralty will be indebted to Mr. Chalmers, although they have refused to remunerate him the expenses he has been put to out of pocket in constructing his target. With regard to the increased Vote of £162,000 for workmen, I am bound to accept the noble Lord's assurance that it is necessary for the public service. I will only remark, after all we have heard and read lately in the newspapers, of the great reductions made in our dockyards, effected by the zeal and activity of the Junior Lord of the Admiralty (Mr. Stansfeld) who, I have no doubt, has devoted his ability to dockyard reform, that it is not a new subject. I think it was an unfortunate fact—I do not say that it was any proof that his exertions have not been successful—still I think it was unfortunate that when we had heard so much about reduction in our dockyard expenses we should find that those dockyard expenses have increased by £162,000. I think it requires some explanation, that while the aggregate number of workmen employed is increased from 14,200 to 16,500 there is a continued reduction going on in what are called the establishment labourers. This requires some explanation, for if the country requires that vast amount of labour, as I have no doubt it does, why are there the continued efforts to reduce the establishment labourers?

LORD CLARENCE PAGET: An explanation is given in a note.

SIR JOHN PAKINGTON: It is necessary that it should be explained, because the fact is somewhat anomalous. There was one part of the noble Lord's speech which I heard with unqualified satisfaction, and that was the decision of the Admiralty to ask for £2,500 for the establishment of a School of Naval Architecture. The noble Lord frankly admitted that I pressed that on the Committee last year. I pressed it on the Admiralty in this House, and in private, and I even went so far as to suggest the mode by which that important object should be carried out; but I was disposed to think that the Admiralty did not like the idea of any such suggestion proceeding from me. They seemed rather to prefer that it should proceed from themselves; and, therefore, anxious as I was to see the object attained, I said no more. But what I did suggest to the Admiralty was exactly what the Admiralty propose—that a school of naval architecture—which I believe to be most essential to the naval interests of this country—should be so established as to work beneficially for the service both of the Royal Navy and of the mercantile marine. That is, I understand, the intention of the Government, and I sincerely rejoice at the decision to which the Admiralty have arrived, and I hope the attempt will be as successful as they expect. I had intended to remark on certain omissions to be found in the Estimates; but, to my great surprise, the principal omission to which I had intended to refer was supplied in the last few words which fell from the noble Lord. There was a Committee of the House of Commons last year, presided over by my right hon. Friend the Member for Cambridge University (Mr. Walpole), the object of which was to investigate the present system of promotion and retirement in the navy. That Committee made several not unimportant recommendations. I hold in my hand a paper, showing what their recommendations were, and I am sorry to say that to those recommendations the Estimates do not contain the slightest reference. Those recommendations were all made after very laborious investigation, and I am free to say, agreed to in the most impartial spirit. The Committee, of which my noble Friend himself was a member, arrived at a series of recommendations on a variety of points, all bearing more or less on the interests of the navy, and when I look through these Estimates, I arrive at the conclusion that the Admiralty have decided to treat with contempt every one of the recommendations. I hardly know whether I am right in making exception even of the few words at the close of the noble Lord's speech, because they adverted to the pay of naval officers. Now, the pay of the naval officers was a subject which, very unfortunately, was excluded from our deliberations. It was on that account that I always urged that we ought to have had a Royal Commission, and not a Committee, because a Royal Commission could have dealt with the inquiry into the pay. I think our inquiry was imperfect on that account. We were not able to deal with the most important question of naval pay. But in the Report of that Committee I find that they in some degree directed attention to the subject by recommending for consideration the question, "Whether allowances for outfit, or the supply of furniture on more advantageous terms, should not be made, to enable an officer to take the command of a ship without incurring pecuniary loss?" When I was at the Admiralty, two things that struck me most as requiring correction were, the difficulty of manning our ships and the no less discreditable, no less unfortunate, no less unworthy the naval service of England, that your officers cannot accept the command of ships without great pecuniary loss to themselves. I have before stated, that when I was First Lord of the Admiralty this fact occurred to me frequently—that when I offered the command of ships to distinguished officers, they came to me and said, "We should like to take this command, but we cannot afford to take it." Now, at the end of his speech, in the last few words that he spoke, the noble Lord told us that hereafter, at some future time, upon some plan and to some extent that he did not even shadow forth, there is to be an increase in the pay of the Royal Navy. Let me ask, why is not that in the Estimates? This is no new subject. It vitally affects the interests of the navy; and although we could not inquire into it in our Committee, we touched upon it, and after a debate my hon. and gallant Friend the Member for Portsmouth (Sir James Elphinstone) carried, upon a division, a Motion to inquire into the system of pay, as well as the system of promotion and retirement; and I say, we have great reason to complain of the extraordinary way in which this subject has been brought before us to-night. I am very happy to hear the conclusion at which the Admiralty have arrived; but, considering the months that have elapsed since the subject was last under discussion, I cannot understand why the Admiralty did not make up their minds as to what they meant to do at an earlier period, so that any proposal which they intended to make might be included in the Estimates before us. I presume that it will now be made the subject of a Supplementary Estimate and a subsequent statement. I am glad to hear that something is to be done. I shall wait with anxiety to hear what is the nature of the decision which has been arrived at, but I cannot understand why the matter has been brought before the House in this irregular manner.

SIR MORTON PETO said, he regretted to hear that Her Majesty's Government had determined to increase the dockyard and diminish the expenditure on the *personnel* of the navy, for he thought this was a most ill-chosen time for such a reduction. Those hon. Members who advocated economy, did not require economy at the expense of efficiency—what they maintained was, that extensive establishments did not mean strength unless conducted with efficiency. In whatever aspect the expenditure in the dockyards was viewed, there was much to lament, and but little cause for congratulation. He was glad to hear that his hon. Friend the Member for Halifax (Mr. Stansfeld) had spent so much time during the recess in investigating the state of the dockyards, and he trusted that the country would derive much benefit from his able administration. It was not, however, merely by a minute examination of accounts that we should arrive at dockyard reform. What was wanted was some master mind, who would bring to bear upon the work to be performed there the economy of labour, by which great undertakings of this country were characterized. He was, therefore, pleased to hear that his hon. Friend had visited that great establishment at Birkenhead, which was at once an ornament to the place and a monument to his hon. Friend the Member for that town (Mr. Laird), and where every expedient for economizing labour was applied as soon as it was discovered. Large dockyard expenditure indicated a centralizing disposition on the part of the Government, and he was sorry to see that these Estimates tended entirely in that direction. If Government could build ships better and cheaper than they could be constructed in private yards, let them do so; but, in his opinion, all that was necessary was to maintain in the dockyards such an establishment as would be sufficient for repairs, and, it might be, for testing the prices of private builders, though, in his opinion, even that would be better accomplished by private competition. He had been very glad to hear the satisfactory statement made by the noble Lord as to the *morale* of the navy. Last year, when the Army

Estimates were under discussion, he called the attention of the Committee to a subject to which the noble Lord had referred to-night, which vitally affected the well-being of the navy, and with regard to which the hands of the Government needed strengthening. Admiral Bruce stated to a Committee which inquired into the subject that, when the *Warrior* was in Portsmouth harbour, the number of seamen who were entirely disabled from service from this cause exceeded thirty-two daily. When the "unfortunates" were placed in hospital, there was no means of retaining them there until they were free from disease; and Admiral Bruce said that as soon as a ship came into harbour and was about to be paid off, they all went out only to return again in a short time. In this respect, at all events, some additional power ought to be given to the Government. The evidence of the Deputy Inspector General of Hospitals showed, that although in foreign services the proportion of suffering from this cause only extended to sixty or seventy men in every 1,000, in the British service it was no less than 442 per 1,000 annually. These were most distressing facts, and although their nature forbade the possibility of dealing with them advantageously in a public discussion, duty required that even at a sacrifice of feeling attention should be directed to the matter. In Malta, from the year 1825 to 1859, very stringent police powers were granted, and applications to the hospital arising from this particular class of disease were unknown; but from 1859 to 1861 that judicious sanitary law was neglected, and the hospitals, in consequence, became crowded, and, in fact, unequal to the reception of the patients. Upon the urgent representations of the medical men, the rules previously existing were re-established, and not a case was known in the island for months together, except when ships from home arrived, and from forty to eighty men were taken out at one time for treatment, some of them being unfit for service. The noble Lord deserved the earnest thanks of the House for the attention which he had given to the matter. The public mind was not yet prepared for legislation in the principal cities; but in garrisons, seaports, and camps the Government ought at least to insist upon similar precautions to those adopted in the case of other contagious diseases. A single fact spoke volumes. In the town of Plymouth, according to the evidence of physicians, there were 900 unfortunates under the age of 15 years. Turning to the question more immediately before the House, and to the advice which had been given about "going ahead," he urged that they should only go ahead in the right direction. He had consulted many eminent practical engineers, and the majority held that it was impossible to fasten on to a wooden frame a totally different material—to hang, in fact, a dead weight upon the ship's sides—and then to expect that the vessel could be depended upon for continued service. As regarded the gunboats, he congratulated the Government upon having adopted the twin-screw system; and, being anxious to give them credit whenever it was possible, he would also express approval of the contemplated abandonment of Deptford dockyard. It was exceedingly difficult to control the expenditure in such large establishments, and therefore whenever concentration could possibly take place, it was highly desirable that it should do so.

LORD ROBERT MONTAGU said, he wished to occupy the attention of the Committee for a very few minutes in the consideration of a subject which he had brought before the House, and pressed upon the Admiralty early in last spring—namely, the establishment of a College of Naval Engineers, not of Naval Architects merely, but of Naval Engineers, for the speech of the noble Lord opposite (Lord Clarence Paget) had furnished him with additional and very strong arguments. The noble Lord had enumerated seven "transitions" in the form and build of ships, during the last five years. In 1859 we built two large ships, the *Warrior* and the *Black Prince.* These were armour-plated for only two-thirds of their length, the rest being quite unprotected. They had also proved to be too large and long to turn quickly. The noble Lord said, that to catch a fleet they were very good; but that in action they would be speedily crippled, because they could not manœuvre. The *Resistance* and *Defence* were therefore constructed. Next came the *Hector* and *Valiant.* These were wholly armour-plated at the gundeck, but were vulnerable at the waterline. At this time the Iron-plate Committee had to be established, to investigate the various problems which crowded upon the attention of the Admiralty. This was a step in the right direction. A body of Naval Engineers would not only undertake the tasks which his hon. Friend (Sir John Hay) now so ably discharged, but many other scientific problems also. Now the *Minotaur* class was begun, the armour-plates being much thicker. On this ground, these ships were made not less than 6,800 tons. This was a mistaken notion. It was unnecessary; and was the mistake of the *Warrior* over again. Then the *Royal Oak* class was begun. After which, as the noble Lord has just now proclaimed, a "new era" was inaugurated. Turret ships came into vogue, the *Royal Sovereign* was cut down to be converted into a turret ship. The most valuable change, however, had been introduced by Mr. Reed. He saw that his predecessors' ships had been "too large and costly," to use the noble Lord's words, and desired to build smaller ships, which should be "quite safe," because armour-plated throughout. He constructed the *Enterprize*, the *Pallas*, and the *Bellerophon*. The noble Lord had spoken of "a spur" in the *Pallas*, and had said that this was an invention which had been "taken from the French." This was hardly a fair description; it was Mr. Reed's invention. Here lay the superiority of Mr. Reed's ships to the *Warrior* class. The right hon. Baronet (Sir John Pakington) had plumed himself on having built the *Warrior* with her ends undefended, because he thought that, with a heavy bow and stern, her pitching would be so violent. Now, the *Pallas* was heavily armour-plated at both bow and stern, yet her bow does not weigh more than the water which it displaces, while the bow of the *Warrior* weighed (he believed) 600 tons more than the displacement of that part of the ship. Therefore, the criticism of the right hon. Baronet did not apply to the *Pallas*, which is wholly armed, but falls with full force against the undefended *Warrior*. The invention of Mr. Reed was this:—The flat floor of the ship was carried right forward to the forefoot, and the bow was much elongated below the load waterline, like the Thames yachts before the tonnage laws had been altered. Hence a vertical section of the bow (in the body plan) was not of the shape of a V, but was more like a U. Therefore, although the *Entry* was very fine, yet the displacement of the bow was greater in proportion than in the *Warrior*, and the bow, when coming down upon the water in pitching, met with great resistance to its flat floor in its descent. This was a remarkable yet most simple invention in the science of naval architecture. All these transitions during the short space of five years, and the vast improvements immediately effected by a naval man, surely proved the necessity of establishing some college to educate scientific men for the solution of all the problems which presented themselves with regard to the navy. The noble Lord had said that he would "not have such a college in the Royal dockyards, because that it would then become a Government concern; and he would rather that all the public should enter." To this he (Lord Robert Montagu) utterly objected. He desired a Royal College for the navy, on the model of Woolwich. In the first place, it would be cheaper; there were already suitable buildings in the dockyards, so that expense would be saved in this way; besides, as there were more younger sons desiring to enter some branch of the public service than there were careers open to them, and as there were many men of sufficient means who merely desired some position in society and situation in life for their sons, such a College and body of Naval Engineers could easily be made self-supporting. Such a body, the Committee was aware, had long been established in France. He had explained that to the House last April, when he had also adverted to the effects of it. The French were snatching from us some of the carrying trades and lines of steamers, which we deemed exclusively our own. He need not remind the House again of the English school of naval architecture, from which had proceeded all the men who knew anything of shipbuilding—such men as Reed, Morgan, Creuze, Abethell, Peake, Watts (the designer of the *Warrior*), Fincham, Chatfield, and others. He need not remind the House of the regret which Sir James Graham had expressed, before his death, at the dissolution of that College, and of the woful deficiency which had been thereby occasioned. He would rather rest on the testimony which the noble Lord's speech had afforded. And he trusted that next year the noble Lord would ask for a Vote somewhat more in proportion to the importance of such an institution.

MR. LAIRD said, there was one subject in which he had taken particular interest, and to which he desired to direct the particular attention of the Committee—namely, the extension of dock accommodation in Her Majesty's dockyards. He believed that a larger outlay than that contemplated by the Government would ultimately turn out the best economy. The total Estimate in 1861 for the extension and improvement of Chatham Dockyard was £943,000. The works were commenced three years ago after the strongest evidence had been given to the Chatham Committee as to the necessity of an immediate increase of accommodation at that port. Yet the amount already voted did not exceed £88,000, and the Vote proposed for the ensuing year was only £27,000. The Report of the Chatham Committee was drawn up by an hon. Member (Mr. Whitbread) who was then one of the Lords of the Admiralty. It showed that increased dock accommodation and facilities were required at Chatham. One passage from the Report was as follows :—

> "It is obvious that, in the event of this country being engaged in a maritime war, the existing means for fitting out ships, inadequate as they are to even the present wants of the navy, would render it wholly impossible to equip, rapidly and safely, such a fleet as would then be required. Apart from all questions of cost and inconvenience, delay might terminate in disaster; for it must be borne in mind that the facilities for fitting out ships of war rapidly and safely, possessed by other Powers, are incomparably superior to those afforded by the naval establishments of this country."

He regretted that so little had been done to carry out the recommendation, and that only £88,000 had been asked for by the Admiralty during the last three years. It might be said that the extension of the dockyards would involve the House in the outlay of large sums of money, but mercantile men knew that they must have tools and conveniences as good as their neighbours. The Chatham Committee examined Admiral Robinson, the Controller of the Navy, who showed that the existing dock accommodation was insufficient, and that it would be real economy to extend it. He would beg permission to read two or three questions and answers from Admiral Robinson's evidence—

> "Do you consider, from your knowledge of the dockyards, that there is at present sufficient dock accommodation for the existing fleet of this country?—No; there certainly is not anything approaching to a sufficient dock accommodation for the requirements of the country; and I do not hesitate to say that I consider it is a national danger that we are incurring, being so badly provided with dock and basin accommodation for our large steam ships. Do you consider that it would be safe to rely upon that one dock at Birkenhead? —By no means; I do not hesitate to say that after a naval engagement the country that can first repair its damaged ships in action will thereby double its force. In such a case, one ship with proper dock and basin accommodation is equivalent to two. At the present moment, I believe that other countries have exactly that power of doubling their force over and above what we possess?—I am sorry to say that it is exactly the reverse at present of what we should wish it to be."

That was sufficient to show that the extension of their docks would enable the Admiralty to save a great portion of the sums now spent in repairs. If any further arguments were wanting, let the House look at the Thames, the Mersey, and the Clyde, and observe how many millions had been spent in dock accommodation on those rivers. It would be a judicious expenditure, and would ere long pay itself. When a ship was repaired in the stream every day's work cost double the money compared with repairs in dock, and, though the cost of the docks might be great, the money would be made up by the saving. It was said that private dockyards would supply the necessary dock accommodation in time of war. This, however, was quite a mistake. Merchantmen rarely drew 22 feet of water; the great object was to limit the draught of water to 19 or 20 feet. But a large man-of-war seldom drew less than 26 to 28 feet. Most expensive docks were required for such ships, and such as were not likely to be provided by private individuals. In order to see what was doing across the water, he had lately visited the docks at Toulon, and in the south of France. At Toulon there were two or three docks which would take ships drawing 29 feet of water every day of the year. They would, in fact, take the largest ship of war with all her stores on board. These docks were supplied with coal wharves and other conveniences, in order to enable ships to proceed at once to sea. At Marseilles, too, there were twelve graving docks constructing, some of which would contain the largest vessels. These docks were partly commercial and partly constructed by the Government. He saw one of the largest vessels of war yet built in the floating dock at Marseilles. What had we in the Mediterranean? There was one graving dock at Malta and another was promised. More accommodation was, however, wanted not only in the Mediterranean, but also at Bermuda and Halifax. It was quite clear that if we were at war with America and France, it would never do to bring home vessels that had been in action, to run the gauntlet through the Straits of Gibraltar, or across the Atlantic. There ought to be the means of docking and repairing these ships on the spot; and this outlay, depend upon it, would have to be met at no distant period. The *Orlando* frigate, lately arrived from the North American station at Chatham, had to unship her guns and stores before she could enter Chatham harbour. The amounts asked for additions to dockyards for the present year were: Chatham, £27,000; Portsmouth, £20,000; Devonport, £7,000; and Keyham, £30,000. If docks existed at Portsmouth, Plymouth, and along the west coast, so that the ships could be docked and promptly repaired, half the navy would do the work. A question had arisen as to the relative value of wood and iron ships, and the noble Lord had referred to the case of the *Alabama.* He did not say that all our vessels ought to be of iron, but if the noble Lord wanted vessels for the police of the seas, he could get thirty *Alabamas* built for less than £2,000,000. There would be, however, between sixty and seventy ships repaired next year, which would cost almost as much as they originally did. An important question was also raised last year as to the value of wooden ships, armour-cased and copper-bottomed. He had heard from the hon. Baronet (Sir Morton Peto) that the iron armour-plates were eaten into by the copper, and that the bottoms were much fouled. He held in his hand a statement, made by one of the first naval architects in France, in reference to *La Gloire*, which was one of the first of those vessels which the French built and which was docked at Toulon, and he would, with the permission of the House, read that statement. It was as follows:—

> "One of the greatest advantages brought forward in favour of wood was the cleanliness of the bottoms, and it is indisputable as regards ordinary ships' hulls; but in armour-plated ships, that portion of the plating which is below the water-line occasions a galvanic current of such power, that it was remarked when the *Gloire* was docked a few months since, that the copper was as much covered with barnacles and weeds, as if the hull had been of iron, and that the armour-plating was greatly affected by oxide, and showed holes five or six millimetres (nearly a quarter of an inch) deep in many parts."

He had himself gone alongside an iron-plated ship at Toulon, and had observed that the iron plates were eaten into. But it was unnecessary to dwell further on the subject than to mention the case of the *Royal Oak*, which, after a six months' voyage, had her iron plates so damaged that means had to be taken to restore and refasten them on the ship. Indeed, he had seen by the papers, that armour-plates were to be covered over with teak, with the view of preventing the action to which he referred; but that process would not, he believed, answer the purpose. [Lord CLARENCE PAGET: What we are trying is the covering of armour-plates with wood, leaving the wood exposed.] That wood would, of course, foul the same as iron. And what, he would ask, was the case of Her Majesty's ship *Orlando?* She went out to Halifax, was much shaken in the passage, and had to come home for a complete overhaul, after using up the principal part of the naval stores at Halifax, and then at Bermuda, during the time she was repairing damages. That, however, was not a singular case—it furnished but one instance out of many — and for his own part he thought that these armour-plated wooden ships, if continued to be built, would prove to be the source of very serious expense. The question, he might add, of cupola ships had been raised that evening, and he, for one, thought it a great pity that more strenuous exertions had not been used to complete that class of vessel. If cupola ships should prove a success, it would turn out that we had been expending a great deal of money in another direction very foolishly. From the information he had obtained, the cupola ships were admirably adapted for going to sea, but it now appeared that these vessels were not to be used for that purpose, but were to be kept for harbour defence. It would, he thought, be a great injustice to Captain Coles, as well as a great loss to the country, if their powers in that respect were not put to the test, and he hoped the Government would reconsider the point. He would further observe, that it was a great mistake to place Captain Coles's ships in the same category as the American iron-clad vessels. They were, he maintained, entirely different, inasmuch as the American vessels were mere rafts, never intended for seagoing purposes. He thought that the Americans, both North and South, deserved great credit for the efforts they had made to improve this class of vessels. He thought the Government ought to try whether the heaviest class of guns could not be worked on board vessels built on Captain Coles's principle. If he were mistaken in his views with respect to the excellence of Captain Coles's plan, he should only have fallen into the same error as a great many others; but it was, he thought, at all events, the duty of the Government to test the invention, and, if it answered, to go on with it; if not, to try something else. They heard a good deal about Mr. Reed's new system of ships. Mr. Reed was a very clever man, and might do all he had promised, though that remained to be seen. Mr. Reed had delivered a lecture on the construction of ships in which, though he admitted that great mistakes had been committed, he contended that the Admiralty were not to be blamed. There were several vessels being built on Mr. Reed's plan—the *Bellerophon*, the *Lord Warden*, the *Lord Clyde*, the *Zealous*, the *Favourite*, the *Pallas*, the *Enterprise*, and the *Research;* and he trusted that gentleman might be able to do all that he expected; but he thought further experiments should be made before the country was committed to further expense. His own opinion was, that we had large armour-plated ships enough, and that what we required was a smaller class of vessels of that description, so that in the event of war breaking out we should have ships of all classes to go to sea with, and be prepared to meet any emergency. He hoped before proceeding with so many ships upon new and untried plans, the Government would test by experiment whether they could work guns of sixteen or twenty-two tons, not in the harbour, but in the open sea, otherwise they would have gone to enormous expense, perhaps, only to end in failure.

Mr. C. P. BERKELEY said, that with regard to the number of men that had been voted a good deal had been said. It appeared to him that the reduction was merely nominal. In fact, if the Admiralty succeeded in getting the whole number now asked for they would in reality be in excess of the number upon our ships books, at any period during the last financial year. With regard to the vacancies in the coast-guard, he wished to be informed whether they existed in the *bonâ fide* service ashore, or in the coast-guard afloat. He wished to know in what branch of the service the difficulty of filling up the vacancies existed. [Mr. Stansfeld: In the coast-guard ships.] He was glad to hear that it did not exist in the service ashore, where the *bonâ fide* qualified men were engaged. There was one item of these Estimates to which he desired to call attention. It was spread over many Votes, in no less than thirty places, and amounted to £15,000 odd, namely, the sum paid for the temporary employment of clerks and writers. It was rather on the increase; but he had no doubt it could be explained by the large number of Returns and documents called for by hon. Members of that House. The present system bore hard upon the temporary clerks. Many of them were able men, but from the fact of their sticking to their work and not having time to cram, they were placed in an unfavourable position for passing the examination required for a permanent clerkship. He wished to say a word or two with regard to the annual account relating to the expense of ships. It appeared that there were two ships that were in last year's annual account, and which had disappeared altogether from this year's annual account. He could find no trace of them, and he would like some information upon the subject. In the Appendix to these Estimates was an account of "Old Naval Store Money, and extra Receipts brought to account between the 1st April, 1862 and the 31st March, 1863." Among the items were two for the sale of old ships amounting to £73,000. This required explanation. It appeared to him that a considerable number of the vessels rendered in the account this year were also returned in last year's statement. The first ship, the *Africa*, was sold to the Chinese Government for the sum of £22,800. That was brought to account in this year's statement; but a similar sum was placed in last year's statement. He fancied that the solution of this mystery was to be found in the fact that last year's account was made up from the 1st January to the 31st December, 1862, but this year the statement was made up from the 1st April, 1862, to the 31st March, 1863, thereby including nine months' receipts which were accounted for in the statement of last year. If that was the case, the Admiralty had paid twice to the Exchequer a sum of about £23,000, which they must try to get refunded.

Mr. KINNAIRD said, he was anxious to say a word in support of the hon. Member for Birkenhead (Mr. Laird), who dwelt on the importance of improving our docks and increasing their number abroad. The French Government were at this moment engaged in building very large docks in Algeria, and it was very important in the event of war, that such docks as the hon. Member had recommended should be built. The question was one to which the attention of the Government ought to be directed. With regard to the subject upon which the hon. Baronet the Member for Finsbury (Sir Morton Peto) had spoken, he (Mr. Kinnaird) was one of those who had supported the hon. Gentleman in bringing the attention of the late Sir George Lewis to the fearful moral contagion surrounding our barracks and dockyards. They were all greatly indebted to the hon. Baronet for the way in which he had brought to the notice of the Government this most painful, but necessary subject. He held in his had a Report of the Commission presided over by the hon. Member for Bradford (Mr. W. E. Forster), and hon. Gentlemen would find that the state of things described in that Report would justify the interference of Her Majesty's Government. The noble Lord would be entitled to the commendation of his hon. Friend, if, as he believed, he was prepared to submit to the House some remedial measures at a later period of the Session. The Commander-in-Chief was fully aware of the importance of the subject, and was quite ready to co-operate with the Admiralty in some remedial measure. He trusted that the observations which had fallen from the noble Lord on this point would soon be followed by some legislative enactment.

COLONEL DICKSON confessed he did not regard the present Estimates with any great degree of satisfaction, and was inclined to agree with the hon. Member for Finsbury (Sir Morton Peto) that, stripped of the oratorical tactics of the noble Lord the Secretary of the Admiralty, it would be found that these Estimates exhibited reductions in a direction likely to interfere with the efficiency of the service. The Government could only point to having built seven ships, and in that department in which so many anticipations of economy had been vaunted on the accession of the Junior Lord of the Admiralty (Mr. Stansfeld) to office, there had been an increase of expenditure. He rose principally to do justice to the noblest ship in the navy — the *Prince Consort.* There seemed to be an opinion that she was nearly lost on a recent trip; but she proved, on the contrary, to be in every way a most complete success. She started at a sudden notice and fell in with a violent gale, and she steamed eight knots an hour in the teeth of it. She shipped some water, but he was told that she behaved as nobly as any ship possibly could, and he thought it right to make this statement in justice to the ship and her gallant captain.

MR. H. BERKELEY gave notice that upon the House going again into Committee on the Navy Estimates he would call attention to the defective state of the armament of the Royal Navy.

SIR JAMES ELPHINSTONE expressed his satisfaction that the Government admitted the importance of the subject of docks, and were willing to try the principle of the twin screw. With regard to the latter, he believed that the twin screw would be the means of getting over that unwieldiness and impracticability which were incidental to long ships. He complained, however, that the Government did not deal with the dock difficulty in a comprehensive manner. Whilst the French could dock at Marseilles, Algiers, and other places, we were confined to Malta, with respect to which the most conflicting statements were made. He understood that it had been in some degree improved; but it could not be improved much. He saw nothing in the Estimates with respect to a naval college. At present, young men who were being brought up to the naval service were cooped up in a ship where, he believed, more sickness prevailed than in any school in Her Majesty's dominions. It was a crying disgrace to bring up the naval youth of the country in such a way, at an age when their forms were liable to be contracted by living in a confined space. With respect to naval barracks, he did not observe that any progress was being made on that point. It would be perfectly easy, until the final system was adopted, to fit up temporary buildings for the accommodation of men when ships were paid off. It was a sad spectacle when a ship came into harbour, with a crew perfectly fit for sea service again if they were only kept together, to see the ship pulled to pieces, the men paid off and dispersed, rendering it difficult for them to find their proper position again. The officers, after great pains in bringing the machine as it were to perfection, were scattered in every direction, and when a ship was commissioned, all the work of disciplining the crew had to be begun over again; and then, when her commission was over, everything was torn to pieces again. The cost to the country of such an absurd system was enormous. The Government provided huts for the army, and they might provide temporary barracks for seamen at the different ports. As to Captain Cowper Coles—although no one, perhaps, would ever know the history of his invention—he had provided a plan which produced easiness of motion and speed, while carrying guns so high out of the water as to give a greater radius of fire than any other mode with which they were acquainted. It was the duty of the Government to have made Captain Coles laid down a complete plan of a cupola ship, and to have finished a ship upon the plan so given, so as to test that principle. No one knew what the primary principle of the cupola was, and no American iron-clad had brought that principle into operation. He protested against the reduction of men, and still more against the reduction of boys, because it was cutting off the best source of supplying able seamen. He hoped sufficient money would be taken to remove all the just grounds of complaint which were now felt by naval officers. As an instance, the Admiralty stopped £5 a year from the wardroom officers for the use of the mess traps. The cost of those traps was £120, and in two years the Government made a clear gain of £146, which he thought a sufficiently Hebrew transaction to make the officers grumble. He believed that unless a considerable addition was made to the pay of the officers, the injustice from which they suffered would not be obviated.

Lord FERMOY said, he would not advocate anything which would press unfairly on the tax payers; but a distinguished Admiral had said that increased dock accommodation would enable one ship to do the duty of two, and that assertion was endorsed by one of our most distinguished shipbuilders, the hon. Member for Birkenhead. If that were so, the expenditure would be a relief not a burden to the taxpayers. Economically speaking, it was the right thing to spend money on dock accommodation in the West Indies and the Mediterranean, and he begged to direct the attention of the Admiralty to the claims of Cork. Man had done nothing, but nature had done everything for the harbour of Cork. After storms he had seen the ships of Her Majesty's navy in that harbour of refuge, and he had seen them towed away to be repaired and refitted in one of the dockyards, because there were no means to effect those repairs, as there ought to be, in the harbour itself. At Hawlbowline docks could be constructed with ease, which would accommodate the largest ships of war. In time of war such accommodation would be invaluable, both to the Royal Navy and to the merchant service; and something, in his opinion, ought to be done.

Captain TALBOT expressed his gratification at having heard the speech of his hon. Friend the Member for Birkenhead (Mr. Laird), and he entreated the Committee to think seriously of the question of dockyards and basins; for upon it the safety of the country was involved to a greater extent than many hon. Members imagined. If an action were to take place in the Channel, there were no means of affording the dock accommodation which the fleet would inevitably require, whilst a French fleet could find everything necessary at Cherbourg. Two or three years ago a Committee sat, and they recommended the expenditure of about £1,000,000 in the extension of Chatham dockyard, but the Votes proposed by the Government were wholly inadequate for the purpose. Last year only £22,000 was voted for that object. The present year the sum was increased to £27,000. Portsmouth had still greater claims upon the Government, for it might be called the eye of England to watch France, as Cherbourg was the eye of France watching this country. The improvement of Portsmouth dock would be really sound economy, and would prove of immense advantage to the navy, yet they only proposed to lay out £33,000 for Portsmouth. He contended, that even as a question of economy, more money should be spent in this direction. Beyond this there was the still more important question of efficiency. As to Captain Coles's ships, it seemed to him extraordinary that they should not have a fair trial. Before they expended an enormous sum of money in building ships, they should know whether they would or not succeed. The *Northumberland* class of ships showed the importance of having proper experiments; for it seemed that the Admiralty ordered three ships to be constructed, and after they had gone so far that they could not recede, they tried experiments. He must express his regret that it had been resolved to make a reduction of the number of boys for the navy, because it had been found that the best sailors were those who had been trained in the service; and it seemed to him that the decreased expenditure was proposed to be effected upon wrong items.

Mr. STANSFELD explained that why they proposed to spend only £27,000 upon Chatham extension was, that the tidal work could not be finished before another year, and therefore the sum they asked for was all that could be beneficially expended during the present year. As to the double entry of balances which had been referred to, it had arisen simply from one quarter's accounts having been repeated in the second statement. He was anxious to give a full explanation to the House in regard to the accounts and general organization of labour in the dockyards, but could not enter upon the question at that hour of the night. He would, therefore, defer his observations to a more convenient opportunity.

MR. LINDSAY said, if a single Vote were taken, the discussion on the general question must close. He therefore begged to move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."

LORD CLARENCE PAGET said, all the subjects to be discussed were in subsequent Votes; they only to-night asked a Vote for men, and on that the discussion had virtually closed.

MR. C. P. BERKELEY said, the question which he had asked applied to the present Vote; and perhaps the hon. Member for Halifax (Mr. Stansfeld) could give an explanation about it when the House met again. There was an error in the matter.

MR. STANSFELD said, there was no error.

VISCOUNT PALMERSTON hoped the Committee would agree to the Vote. This was a Vote for men, and questions about dockyards could only arise when the Votes on the subject came before the House. If an hon. Member should be going into a discussion on matters which belonged to a subsequent Vote, he hoped the Chairman would call him to order. [*Ironical Laughter.*]

Question put.

The Committee *divided*:—Ayes 31; Noes 28: Majority 3.

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

DOCKYARDS.

SELECT COMMITTEE MOVED FOR.

LORD CLARENCE PAGET moved that "a Select Committee be appointed to inquire into and report upon the Basin and Dock Accommodation of the Royal Dockyards in the United Kingdom."

MR. WALPOLE said, it was the established custom to give notice to the Members who were to serve on a Committee before they were nominated.

LORD CLARENCE PAGET consented to postpone the nomination of the Members.

Motion *agreed to.*

Select Committee *appointed,*

"To inquire into and report upon the Basin and Dock Accommodation of the Royal Dockyards in the United Kingdom, and its sufficiency for the Public Service, having reference especially to the proposed extension of Her Majesty's Dockyard at Portsmouth."—(*Lord Clarence Paget.*)

And, on Feb. 26, Select Committee *nominated* as follows:—

Sir FRANCIS BARING, Sir JOHN PAKINGTON, Mr. STANSFELD, Sir JOHN HAY, Mr. BAXTER, Mr. LAIRD, Sir MORTON PETO, Mr. GEORGE BENTINCK, Sir JOSEPH PAXTON, Mr. CORRY, and Mr. CHARLES BERKELEY:—Power to send for persons, papers, and records; Five to be the quorum.

And, on Feb. 29, Mr. LEATHAM, Mr. LAWSON, Sir JAMES ELPHINSTONE, and Mr. HENNESSY, *added.*

GRAND JURIES (IRELAND) BILL.

Bill to amend the Laws relating to Grand Juries in Ireland, *ordered* to be brought in by Mr. BLAKE, Mr. M'MAHON, Mr. MACEVOY, and Mr. MAGUIRE.

Bill *presented,* and read 1°. [Bill 35.]

PENAL SERVITUDE ACTS CONSOLIDATION BILL.

Bill to consolidate the Penal Servitude Acts for England and Scotland, *ordered* to be brought in by Mr. ADDERLEY, Mr. ARTHUR MILLS, and Major CUMMING BRUCE.

Bill *presented,* and read 1°. [Bill 36.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, February 26, 1864.

CHIEF RENTS (IRELAND) BILL [H.L.]

A Bill to facilitate the Redemption of Chief Rents in Ireland—Was *presented* by The Viscount HUTCHINSON, and read 1ª. (No. 15.)

DENMARK AND GERMANY — INVASION OF JUTLAND.—QUESTION.

THE EARL OF MALMESBURY: Seeing the noble Lord the Secretary for Foreign Affairs in his place, I wish to ask him a Question, which, as I have given him no notice of it, he will, of course, answer or not, as he thinks proper. The Question I wish to ask him is, Whether he has received any information in the sense of a statement which appears in

The Morning Post of to-day, in regard to a declaration made by the Government of Berlin with respect to Denmark. The statement to which I allude is to the following effect:—

> "The Prussian Government explains the entry of the allied armies into Jutland upon the following grounds:—'The occupation of Jutland has a military reason, which is to prevent the Danes from concentrating all their troops behind the fortifications of Duppel and in the island of Alsen.' To this motive may be added reasons of general policy. In the first place, the intention of the two Powers to occupy Schleswig as a pledge, and to localize the war, has been frustrated by the embargo laid upon German shipping and by the blockade of the ports. The war having been caused by the violation of treaties on the part of Denmark, the latter Power must pay not only the expenses of Federal execution in Holstein, but also those incurred by the occupation of Schleswig; the allied army will, therefore, occupy Jutland in order to hold a guarantee for the payment by Denmark of the expenses of the war."

That statement being in complete contradiction to one which was made by the Prime Minister in another place, I should like to know if the noble Earl could give the House any information on the subject?

EARL RUSSELL: I am sorry the noble Earl did not give me notice of his Question, that I might have referred to the official papers before I came down to the House, and thus been enabled to answer his Question more correctly than I am now in a position to do. Still, I can state generally the sort of explanation which is put forward by the Government of Prussia with respect to the entry of the Prussian troops into Jutland. What is stated is, that the Commander-in-chief of the Prussian forces had no orders to send troops into Jutland, and that it was not his intention to do so; but afterwards, when the Danish troops were on the frontiers of Jutland, they took up a position so menacing to the Prussian corps that was in Schleswig, that that corps thought itself obliged and justified in crossing the frontier and occupying a town on the border. With that statement came the information, that although the Commander-in-chief had no orders to enter Jutland, and the conduct of the officer who entered it was not approved, yet the Prussian Government thought it was necessary to occupy part of Jutland, as it were, for the security of their troops. With respect to the latter part of the statement to which the noble Earl refers, I may observe that what I understood the Prussian Minister to say was this—the statement, however, was one which was not regularly made—that the Danish Government, by ordering the capture of German ships, and of Prussian ships in particular, had made the war general, whereas it was the intention of the Governments of Austria and Prussia to make it local, and simply to take what was called "a material guarantee;" but that, if German ships generally were seized, the Prussian Government might be obliged to demand—not indemnification of the general expenses of the war, but compensation for those ships and their cargoes, and to occupy Jutland until they obtained that compensation. I am not at all surprised at that statement, because I remember stating long ago, that although the words "material guarantee" may sound something different from war, yet that the Danish Government were not bound to look on the invasion of their territory as anything else but war, and would, therefore, be justified — if they thought it expedient to do so—in attacking German and Prussian ships, and making war on them on the high seas; but that if they did so they would raise the question of compensation, and thus a war, which was spoken of as of comparatively small proportion, would assume a much more extended magnitude. That I stated some months ago, in order to induce Austria and Prussia not to enter into this war. This has been fully borne out by what has since occurred, and, therefore, I see reason both for lamenting and condemning the conduct of Austria and Prussia.

THE EARL OF ELLENBOROUGH: I do not understand that the noble Earl has received any communication from Austria on this subject, but that what he has stated refers entirely to a communication he has had from the Prussian Minister.

EARL RUSSELL: Yes; the statement comes entirely from the Prussian Government, but not in the shape of an official despatch. All we have heard from Austria is, that the Austrian Government will endeavour to moderate as much as possible the action of their General.

UNITED STATES — THE AMERICAN CORRESPONDENCE.—EXPLANATION.

EARL GRANVILLE said, that since last night's debate it had occurred to him to ask the Solicitor General why he had stated to Sir Hugh Cairns that he might have known that the papers would not be refused; and his hon. and learned Friend said he had done so for the simple reason that he had been informed, before he began his speech, that there was no objection to the production of the papers.

COURT-MARTIAL ON COLONEL CRAWLEY—THE DEPUTY JUDGE ADVOCATE.—QUESTION.

LORD COLVILLE OF CULROSS rose, in pursuance of notice, to put a Question to the Secretary of State for War, in reference to the part taken by the Deputy Judge Advocate at the recent Court-Martial on Lieutenant Colonel Crawley. The office held by the Deputy Judge Advocate was permanent, and subordinate to the Judge Advocate General. Although it might be supposed, that on such an important occasion the Judge Advocate, or Deputy Judge Advocate, would have officiated, such was not the case, and the Government appointed Colonel Pipon as officiating Judge Advocate. But Colonel Pipon had nothing to do with drawing up the charges against Colonel Crawley. They were drawn up in the office of the Judge Advocate General. The Deputy Judge Advocate was the permanent and working officer of that Department, and, therefore, must have been cognizant of, and assisted in drawing up those charges. They found the Deputy Judge Advocate in the Court at Aldershot, sitting at the same table as the prosecutor, and Colonel Horsford, in opening the case, said "he appeared there with the Deputy Judge Advocate to conduct the prosecution." Thus they had the same officer assisting in drawing up the charges, then appearing as counsel for the prosecution, and at the same time being the permanent and working officer of that department before which the proceedings would be reviewed and revised before being submitted for the confirmation of the Queen. He thought their Lordships would agree with him that that was a grave departure from the ordinary course of judicial procedure. He might be told that there were precedents for it; but, if so, the sooner some change was made the better. The reply to the defence drawn up by the Deputy Judge Advocate, and put into the mouth of the public prosecutor, had caused great surprize and very general condemnation. That document dealt with subjects which were utterly irrelevant to the case before the Court; and matters which the prisoner had been prevented from introducing into his defence were, on the other hand, improperly and unfairly used against him in this reply. In one passage he said, "Mrs. Lilley had the fixed, ever present knowledge on her mind, that there was about her bed and about her path, and spying out all her ways, a constantly shifting, watching, male stranger." He stated that which he was not able to substantiate by evidence, and he thought it surprizing that an officer of the high standing of Sir Alfred Horsford should have condescended to give official utterance to such profanity. The matter was worthy of explanation, and, therefore, he begged to ask the noble Earl the Secretary of State for War, Whether it was by the authority of the War Office, or by the direction of the Judge Advocate General, that the Deputy Judge Advocate acted as legal adviser to the official prosecutor at the recent court-martial on Lieutenant Colonel Crawley; and whether the military authorities recognized the part taken by the Deputy Judge Advocate in the proceedings of the court-martial as a precedent for the future?

EARL DE GREY AND RIPON: My noble Friend appears to think that the course taken in the late court-martial on Colonel Crawley involves some great deviation from former precedents, especially because the Deputy Judge Advocate, Mr. Denison, who acted as legal adviser to the officiating prosecutor, might also have been the person in the office of the Judge Advocate General who assisted in drawing up the charges against Colonel Crawley. With regard to precedents, if the inquiry had taken place before 1860, the Judge Advocate General might have appeared in a three-fold capacity — as acting Judge Advocate before the Court, as Official Prosecutor, and also as Judge Advocate General revising the sentence of the Court and advising Her Majesty with respect to it. Consequently, whether the course pursued in the case of Colonel Crawley be objectionable or not, it was entirely in accordance with the precedents in important cases till a very recent period. In the year 1860, at the suggestion of the present Judge Advocate General, the Articles of War were so far altered that the prosecutor and the acting Judge Advocate would no longer be the same person. My right hon. Friend (Mr. Headlam), when considering the arrangements which should be made for the court-martial on Colonel Crawley, thought it right to appoint Colonel Pipon to act as the officiating Judge Advocate General. When it became known that Colonel Crawley was about to employ eminent counsel to aid him in his defence, it became a question whether similar assistance ought not to be afforded to Sir Alfred Horsford, who had been appointed by the Commander-in-Chief to conduct the prosecution, Sir Alfred Horsford was himself very anxious that such assistance should be placed at his disposal. The illustrious Duke put himself in communication with the Judge Advocate General; and after a full consideration of the circumstances, Mr. Headlam recommended that Mr. Denison, as he was not to act as Judge Advocate before the Court, should afford legal assistance to the official prosecutor. There was nothing contrary to the regulations in such a proceeding, and his Royal Highness consented to the arrangement, and thereupon Mr. Denison was appointed. Your Lordships must bear in mind, that if Mr. Denison had not performed the duty we must necessarily have selected some other counsel from Westminster Hall and attached him as legal adviser to Sir Alfred Horsford. The Judge Advocate General thought, that if there was no precedent for the course, it was at all events consistent with the spirit in which previous courts-martial had been conducted, and was the best arrangement which could be made. My noble Friend has criticized the conduct of Mr. Denison with regard to the trial, and has also criticized the reply of the official prosecutor. The reply of the prosecutor must be looked on as the reply of counsel; and although I am no judge how far it is consistent with the rules of the bar, I know that Mr. Denison is a criminal lawyer of some eminence, and of high character, and is therefore not likely to lay himself open to censure. With respect to the conduct of Sir Alfred Horsford, my noble Friend is the first person who has said one word against it. He did speak of that conduct in terms of strong reprobation; and yet all who were present at the trial, whether friends of Colonel Crawley, or impartial spectators, concurred in the opinion that Colonel Horsford performed a very difficult and painful duty in a manner to command the respect of all who saw him. With respect to the question, whether these proceedings will be taken as a precedent for future trials, I have already pointed out that they are consistent with the course adopted in former times, and that the change made in 1861 only provided that the officiating Judge Advocate should no longer be the prosecutor. It may be a fair question for discussion, whether the functions of the Judge Advocate cannot be still more confined to the judicial functions of the office, and I think that is a question well deserving of consideration. The present arrangements have existed for a very long time, and the subject is not free from difficulty. It is a question worthy of being considered, but not to be dealt with hastily; and I must, therefore, ask my noble Friend to leave it for the consideration of Her Majesty's Government and of the military authorities, without requiring any more definite answer.

THE DUKE OF CAMBRIDGE: My Lords, if I may be allowed to say a word, it is only to endorse the statement of the noble Earl, that Sir Alfred Horsford was my representative at the late court-martial, that he was entirely in the hands of counsel, and that his acts were the acts of counsel, in like manner as Colonel Crawley placed himself in the hands of his legal adviser, and his words were the words of his counsel. Sir Alfred Horsford was in a most difficult and delicate position, and I believe that everybody gives him credit for the straightforward, soldier-like, and manly way in which he performed the task which was imposed upon him. I am happy to have the opportunity of stating this, and in making it to be clearly understood, that anything which fell from Sir Alfred Horsford in his official capacity, was the act of his counsel, and must not be supposed to be the words or the acts of any other person. I hope your Lordships will allow me to refer for a moment to what took place last year, when this subject was under discussion here. On that occasion, I felt called upon to make some observations in justice to myself, and in justice to the high position which I have the honour to hold, in defence of my own conduct. It is not my intention to reopen this question, for I am old-fashioned enough to believe that these discussions are most undesirable, whether they take place in this or the other House of Parliament. I can assure your Lordships that the difficulties which arise to the public service from these discussions are very great. These questions have infinite ramifications; one question leads into another, and in endeavouring to clear up one point one is apt to fall into uncertainty as regards another. These subjects, in my opinion, cannot be fairly or fully discussed in public assemblies, and I am the last person, therefore, to wish to bring on a discussion on this question. I may, however, be permitted to refer to what I said on a former occasion. I have learnt from public and private communications that some expressions of mine, on the occasion to which I have referred, have given great pain to a distinguished General Officer, Sir Hugh Rose. They certainly never were intended by me to have the meaning that has been ascribed to them. It must be borne in mind that my statement was in self-defence. I made no charge at all against any one. I merely stated the course of action which I had adopted, and, therefore, nothing that fell from me at that time could be fairly interpreted as a charge against any one, much less against so distinguished an officer as Sir Hugh Rose. At the same time, it appears that an expression I used—"error of judgment"—has been regarded by Sir Hugh Rose, and I believe by Sir William Mansfield also, as a serious imputation upon the former; and I am happy to take this first opportunity afforded me to assure him and your Lordships that no sort of imputation was ever intended by me. I simply intended to convey the meaning that I differed from him on certain points, and I do not think that the fact of my differing from him could be construed as a charge. In fact, I may say that Sir Hugh Rose had nothing to do with the case, except so far as having to make certain observations on a review of the evidence. How my gallant friend, therefore, could suppose that I meant to convey any imputation upon him I really cannot imagine; but I am happy to have this opportunity of publicly stating that I had no such intention, and that I extremely regret that I should have been misunderstood.

LORD CHELMSFORD: My Lords, I am glad my noble Friend (Lord Colville) has called attention to this matter, because there was an opinion widely entertained that the part taken by the officiating Judge Advocate General was inconsistent with the duties of that officer, and was calculated seriously to prejudice the course of justice. I never thought there was another person responsible for the conduct of a court-martial but the Judge Advocate General. My noble Friend was wholly misunderstood if it were supposed that he intended to cast the slightest imputation upon the gallant officer who was appointed nominally to conduct the prosecution; for all he said was, that in the opening address Sir Alfred Horsford had stated that he appeared with the Deputy Judge Advocate for the prosecution, thereby showing that he was merely the mouthpiece of the prosecution. I wish to speak with the highest respect of Sir Alfred Horsford, who I think executed the duty which he had to perform with the most perfect propriety. I should, therefore, be sorry it should be supposed that my noble Friend ever intended to insinuate any charge against him for the part he took as officiating prosecutor at the court-martial on Colonel Crawley. The noble Earl (Earl de Grey) is right in saying that before 1860 the Judge Advocate General was, on the occasion of the court-martial, the prosecutor. But he was not the prosecutor in the ordinary sense of the word. It was not considered his duty, like that of an ordinary prosecutor, to press the case against the prisoner. His duty rather was to act as a sort of arbitrator between the parties, to see that the case for the prosecution as well as for the defence was properly brought out, and, if I may use a familiar expression, to see fair play between all parties. When I saw the notice of the question given by my noble Friend, I thought it right to ascertain accurately, by reference to books of authority, what was the exact duty which the Judge Advocate General had to perform. I find it is his duty to see that the charges are properly framed, to consider what witnesses are necessary to prove the case, what facts it is proper to establish, and then to attend at the court-martial to preserve regularity in the proceedings, and to inform the Court upon any question of law that might arise. That was the mode pursued in the celebrated case of General Whitelock in 1808. The office of Judge Advocate General was then held by Mr. Ryder, who performed all those duties which I have described. Now there was one thing, as I am informed, done in the proceedings of the late court-martial which the Judge Advocate General ought not to have done. I do not find it stated anywhere that Mr. Ryder, or any other Judge Advocate, ever summoned to his office the witnesses for the defence; and, by cross-examining them, to endeavour to shake the testimony they were prepared to give at the court-martial. I have seen it publicly stated that that was the course taken by the Judge Advocate General on the recent occasion, and I have never seen or heard that statement contradicted. But, in order to show that I am right in the view I have taken of the duties of the Judge Advocate General before 1860, I will read an extract from a book on Courts-Martial by Mr. M'Arthur. That authority says—

> "Though a Judge Advocate may be considered in the light of a prosecutor for the Crown, it does not thence follow that he is to deny a reasonable assistance to the prisoner in his defence, either in point of law or justice. On the contrary, it is his duty that the proofs, both on the part of the Crown and the prisoner, should be properly laid before the Court, and, when any doubtful point may arise, he should rather incline to the part of the prisoner."

This was the position of the Judge Advocate General prior to 1860. It was, however, considered that this nominal position of public prosecutor might prevent the Judge Advocate General from observing that strict impartiality required of him; and therefore, in 1860, by the Article of War just brought under the attention of the House, it was ordered that the officiating Judge Advocate General shall in no case appear as the prosecutor. Now, considering the course adopted by the recent court-martial, it appears to me that by appointing an officiating Judge Advocate General, and allowing the Deputy Judge Advocate to act as counsel for the prosecution, the Judge Advocate General was adhering to the letter of the Article of War, but violating its spirit. The Deputy Judge Advocate is a permanent official under a general warrant from the Judge Advocate General. It was the duty of the Judge Advocate to attend all trials by court-martial, or, if he did not think the case *dignus vindice nodus*, by his deputy. And therefore, I apprehend, on the trial it was the duty of the Judge Advocate to attend either by himself or his deputy. No one can deny but that the recent court-martial on Colonel Crawley was one of great interest and importance, and that questions of such niceness and delicacy were likely to arise requiring the ablest assistance that could be procured. The Court had a right to expect that the Judge Advocate General, or his deputy, would have attended to assist it by his legal advice upon those delicate questions of law. But for some reason or other this high official did not desire to have the conduct of this prosecution; and he therefore appointed a very excellent officer, Colonel Pipon, to be the Deputy Judge Advocate. Now, it is no disparagement to Colonel Pipon to say, that that gallant officer was not quite equal to advise the Court upon many of the points of difficulty which arose during the progress of the court-martial. The inconvenience of this course was manifested in a very marked manner during the trial by a circumstance which happened. A witness had been examined for the prosecution and cross-examined by Colonel Crawley. In the course of his cross-examination a question was put to the witness which was objected to on the part of the prosecution, and was withdrawn. Some days afterwards the re-examination of the witness was completed. The witness having retired, the prosecutor proposed to recall the witness for the purpose of putting the very question to him which he had objected to when asked by the prisoner when cross-examining him. The Court found themselves in some difficulty, and after some consultation together they agreed to ask the opinion of the Judge Advocate General upon the point, as to whether the answering of such a question was likely to vitiate the proceedings. So that an opinion on this very important point was referred to the very department from which the prosecution emanated. Now, that seems to me calculated to change the position of an impartial arbitrator, as the Judge Advocate General is supposed to be, into a vehement prosecutor. I must make one observation in regard to the reply of the prosecution on the defence of Colonel Crawley. I think it was not only contrary to the usual course of conducting prosecutions of this kind, but it was calculated very seriously to prejudice Colonel Crawley. In that reply new ground was for the first time opened, not a hint of which had been given during the whole course of the previous proceedings. It was, therefore, quite impossible for either Colonel Crawley or his counsel to anticipate what took place. If such a circumstance occurred in the ordinary courts of the country, the Judge would have checked the counsel for the prosecution, or the counsel for the defence would have applied for the interference of the Court, and the matter would be put a stop to. If the Judge Advocate General had been acting according to his duty as adviser of the court-martial, he would not have allowed anything so unfair and so unjust towards the prisoner. The officiating Judge Advocate, a highly honourable man, did not perceive this, and it was not likely that he could have perceived it, or even if he had perceived it, that he would have checked a course which was sanctioned by the Deputy

Judge Advocate, who was a gentleman of great legal experience. There is another matter which I do not think should be passed by without observation. It appears almost as if to strengthen the reply, to produce a greater influence on the minds of the members of the court-martial, that the gallant officer, who was the nominal prosecutor, delivered his reply whilst standing between the Judge Advocate General and the Deputy Judge Advocate, and the members of the Court must naturally have believed from these circumstances that every word pronounced by him was sanctioned by the two eminent legal authorities beside him. The greatest possible danger might have resulted to Colonel Crawley from this unusual, irregular, and unjust course pursued by the Deputy Judge Advocate. If the members of the court-martial had not been as discriminating as they were honourable, such a course might have produced a fatal result to the trial; at all events, it might have produced a qualification of that full and honourable acquittal to which Colonel Crawley was fairly entitled. This is a case of the highest possible importance to the public service, and I think the question raised by my noble Friend will be attended by gratifying results if it prevents anything so unfair, so irregular, and so improper from being repeated in future trials by courts-martial.

THE EARL OF LONGFORD said, he concurred in the compliments paid to Sir Alfred Horsford for the manner in which he had performed his duties in the delicate position he had occupied at the recent court-martial; but he had to remind the House that Colonel Crawley also had been placed in a very delicate position on the same occasion, which had scarcely yet been sufficiently recognized. It appeared to him that the appointment of the Deputy Judge Advocate to assist the official prosecutor was likely to have an unfair influence against Colonel Crawley; but there were several circumstances besides those referred to which entitled the gallant Colonel to general sympathy, and which deserved to be alluded to in a discussion on this subject. It was scarcely necessary to refer to the unseemly attacks of the press, persevered in with such tenacity to the very moment of the trial; but there were those in authority who had it in their power, or who ought to have had it in their power, to disabuse the public mind of much of the false impression that was thus created. The falsehoods asserted so audaciously, circulated so ingeniously, and so feebly opposed by those who were thought to be officially informed on the subject, were generally credited, and were supported by some acts of those in authority. The noble Lord the Secretary of State for War, in an unusual manner, granted an extraordinary pension to the family of the soldier who had been supposed to be the victim of tyranny. That was a circumstance calculated to prejudice the public most seriously. Then a noble Earl, distinguished for his philanthropy (the Earl of Shaftesbury), had come down to that House and solemnly said that an inquiry was necessary, and added, that within his memory no incident had made so deep and so painful an impression on the mind of the people of England. The noble Earl knew nothing of the matter but what he had heard from his friends the people of England, but he pressed that the inquiry should take place not in India, but in England, where the people of England might take part in it. The illustrious Duke, the Commander-in-Chief, offered no opposition to the court-martial. About the same time a free pardon was granted to Captain Smales—a proceeding on which the public would naturally put their own construction, and this was sure to be one not at all favourable to Colonel Crawley. Then came the appointment of the Deputy Judge Advocate to assist the prosecutor. But, after all, the impression which had gone abroad with reference to the acts of the gallant Colonel had turned out to be a misapprehension; and Press—Parliament—Horse Guards—War Department—all found that they had been the credulous victims of a ridiculous delusion. He had himself the honour to hold a commission in Her Majesty's army, and at some time or other he might find himself in the position of being obliged to exercise a strong hand to repress disorder on the part of those under his command. In such a case he should expect to find himself strengthened by the cordial and willing support of the military authorities; but if he should find that not alone the pressure of public opinion was against him, but also that he was not supported by those whom he thought ought to be in his favour, he should feel that he had not received fair play. Even, as a last instance, they heard of the War Department bearing what they called "the usual expenses" of Colonel Crawley's defence—as if it was usual to bring a man 10,000 miles to stand his trial. He hoped this miserable decision would be reconsidered, and that the noble Lord (Earl de Grey) would come forward as the generous Minister of a generous country, and at least make such reparation as could be made, by paying all the costs of a man who had been exposed to very great expense by a public injustice and public absurdity.

LORD WENSLEYDALE said, he agreed entirely with Lord Chelmsford as to the anomalous position in which the Judge Advocate was at present placed, and that it was highly desirable this point should be further considered. But as to the conduct of the Deputy Judge Advocate in conducting the prosecution of Colonel Crawley, it was clear, from the statements of the Secretary for War, that he was appointed by the Judge Advocate in default of counsel being employed to conduct the prosecution, and he must have understood he was to act in that character. He had been on terms of intimate friendship with the Deputy Judge Advocate for more than thirty years, and had the greatest esteem for his ability and honour. He was sure that gentleman could have done nothing at variance with that character in conducting the case. In his reply on the trial, he, like most advocates, used arguments of different degrees of force, some of which, on consideration, he might have thought it better to have omitted. But that he intended to act with perfect honour he had not the least doubt. He must add that he was himself, in common, he believed, with the public generally, perfectly satisfied with the honourable acquittal of Colonel Crawley.

THE EARL OF SHAFTESBURY: My Lords, the noble and gallant Earl (the Earl of Longford) has condemned me for the small part which I took with respect to the court-martial on Colonel Crawley. Now, I did say that I never knew any event in the course of my life which had so much excited public feeling, and I added, that on that account, as well as for the sake of the discipline of the army, the alleged wrong should not pass without inquiry, and, if found true, should not pass without redress. My Lords, I am ready to repeat now the part which I then took. I contend that I was fully borne out in my statement as to the feeling of the country, and that inquiry was demanded by the public. At the same time, I carefully abstained from pronouncing any opinion whatever upon the case. I confined myself to merely stating the circumstances which called so loudly for investigation, adding that I thought the trial should take place in this country. That trial may have cost a very considerable sum of money, and may have put a number of gentlemen to inconvenience; but I am satisfied that it was by far the wisest and the best course to hold the trial in this country, for had it taken place in India, the conclusion arrived at would not have been so satisfactory as it appears to have proved. I do not at all repent the course I then took, and I am sure that it has given greater satisfaction to the country and to the army than it would otherwise have given; because every private soldier has now seen that no injustice can be done even to the rank and file of the army without moving both Houses of Parliament, and putting into operation all the powers of the State, to inquire into the wrong, and, if it be proved, to redress it.

LORD CRANWORTH: The noble Lord who has brought this subject forward may rest satisfied with this good result, if no other—that the whole question connected with the office of Judge Advocate has been brought under the consideration of the Government. I believe the error into which some persons have fallen as to the nature of this office arises from its name. It has been thought that the Judge Advocate is to perform the double duty of Judge and advocate. That, however, is an entire mistake. He is *judex advocatus*—a Judge called to assist the Court. He has no duties towards the parties at all, and the inconsistent duties which have been supposed to be cast upon him have originated in the mistake I have pointed out. It may be said, in a limited sense, that the Judge Advocate does perform the duties of a prosecutor. As to the preparation of the prosecution, that often forms part of the functions of the Court. At every assize, when the record has to be made up, the Clerk of the Court is described as prosecuting for our Lady the Queen, and in that sense may act as prosecutor. In the case of a person arraigned having no counsel, this officer gives his assistance in order that justice may be properly administered, and the accused suffer no injury; but it never can be right that he who is to advise the Court as to whether the proceedings are or are not correct, should take any part in the prosecution. I believe, from what fell from the Secretary for War, that this is the opinion of the Government. This benefit, at all events, has arisen from these proceedings;

and I agree with the noble Earl who has just spoken (the Earl of Shaftesbury) in rejoicing that this trial took place here. It may have been a prejudice that existed; it may have been that the public were fired and excited by something which ought not to have excited them; but they were excited, and I put it to the House whether anybody would have believed, as ninety-nine people out of a hundred now believe, that Colonel Crawley was perfectly clear from all imputations if the inquiry had taken place in India. I think this debate has vindicated the Government in the course which they took, and the statement of my noble Friend (Earl de Grey), that the whole subject of this office, anomalous as it is, will receive the attention of the Government, is an additional source of satisfaction.

THE EARL OF HARROWBY said, that if a public service had been done by holding the court-martial in England, the burden of the expense ought not to fall upon the victim singled out, but upon the country, who demanded the inquiry. It might have been a signal advantage to the country and the public to show that the grievances of the soldiers, if well-founded, would be redressed; but that advantage ought not to be gained at the expense of the innocent. He hoped, therefore, the Government would reconsider the question as to the mode in which the expenses should be defrayed.

THE EARL OF HARDWICKE thought, that this discussion was of importance sufficient to recommend the whole subject to the attention of the Secretary of State. His noble and gallant Friend near him (the Earl of Longford), and the noble and learned Lord who had occupied the Woolsack (Lord Cranworth), united in the opinion that the case was one of high importance. He wished to ask, then, whether this case was to be drawn into a precedent? Was the opinion to go forth from this House that the Commander-in-Chief was to hold himself prepared, in every case in which the public mind and the press chose to grow excited, to assent to such trials being held in England, and by so doing seem to intimate that the Commander-in-Chief in India, and other officers there, were not sufficiently high-minded and honest to be intrusted with the decision of such cases? He wished to guard the Government and the Horse Guards against such opinions as those just enunciated upon the high authority of the noble and learned Lord opposite; and he thought it should be made known that this case should not happen again; that it came suddenly upon the Commander-in-Chief, who was overborne by public opinion, and that the Commander-in-Chief in India was deserving of confidence. As to the office of Judge Advocate, the duties of that functionary in the navy were perfectly well ascertained. He always acted as the officer of the Court, and as nothing else; but if a prisoner had no counsel the Judge Advocate advised and assisted him. Thus the office was a highly valuable one, and tended to promote the ends of justice. He did not see why any distinction should be made between the two services. The duties of the office were at present rather anomalous, and as the office was held to be valuable in both the naval and the military services, he hoped that those duties might be so arranged as that they might be performed to the general satisfaction.

THE DUKE OF CAMBRIDGE: My Lords, as I have been personally alluded to, I wish to say one or two words before the discussion closes. My noble and gallant Friend (the Earl of Longford) asks whether he, or any other officer holding a commission, is safe after the course which has been pursued with regard to Colonel Crawley. My answer is that the very fact of Colonel Crawley's return, completely exonerated, to the command of his regiment, and of his full and honourable acquittal here, is the best proof I can give to my noble and gallant Friend that he will be safe. Then I am asked whether this case will be drawn into a precedent. I answer decidedly not. It is one of those peculiar cases which now and then occur, and as to which, considering their very peculiar circumstances, those in authority must take a decided course one way or the other, whether there be a precedent or not. It is true that it would be most objectionable to adopt this as a general principle. But I put it to this House and to the country, whether, under the peculiar excitement which existed, any verdict coming from India would have been received here with confidence, and whether it was not essential, as a part of the justice of the case, that the proof should be taken and the verdict arrived at in this country? I consider that the proclamation of that acquittal here was the greatest possible advantage to Colonel Crawley himself. I rejoice that the trial has ended to his advantage; and I repeat to my noble and gallant Friend, who seems to consider that his commission and those of other officers are unsafe, that the best proof that his commission is perfectly safe is the fact, that Colonel Crawley has had a fair trial, and has been honourably acquitted. As it is, Colonel Crawley will be considered innocent both here and in India, and the fact that the proceedings have been carried on under the direction of the Judge Advocate General will entitle them to the most favourable interpretation. With regard to Captain Smales, I can only say that the decision arrived at as to this officer was based on legal grounds alone. The moment the Judge Advocate advises the Commander-in-Chief that certain things are illegal, it is necessary that the Commander-in-Chief should act—and as my noble Friend the Secretary for War will, I believe, admit, that action is essential for the interests of the public service. The decision, I repeat, was come to on the advice and the recommendation of the Judge Advocate, and with him rests the responsibility of Captain Smales's reinstatement in Her Majesty's service.

Lord COLVILLE of CULROSS disclaimed any intention of using any discourteous language towards the official prosecutor, in any remarks he might have made.

Earl DE GREY and RIPON: I must appeal to your Lordships' indulgence to allow me again to address you, after the allusions that have been made to my conduct. I have no doubt the noble Lord who introduced this subject did not intend to make any attack upon Colonel Horsford; but some words which fell from him might bear the construction which I placed upon them, and I am glad that I have afforded the noble Earl an opportunity of removing that impression. In consequence of what has fallen from the noble and gallant Earl opposite (the Earl of Longford), I must enter in some detail into the state of this question as it stood when we decided that Colonel Crawley should be tried by court-martial. I wish, in the first instance, to state that the Government accept fully the verdict of acquittal in the case of Colonel Crawley; and I can say for myself, and I am sure for the Commander-in-Chief, that we were only anxious that the matter should be fully and fairly inquired into; and that we both rejoice at the conclusion at which the court-martial arrived. I rejoice that a gallant officer has been acquitted of serious charges which had been brought against him, and that he has been able to vindicate his character in the face of his countrymen. If I allude to the circumstances as they existed in June last, it is solely to explain the conduct of the Government and the military authorities. It must be borne in mind that in June last, when it was determined that Colonel Crawley should be tried by court-martial, very grave and serious charges had been made against that officer in the public press and in Parliament upon the authority of persons who were entitled to confidence. It was expedient that steps should be taken to ascertain the facts, and to give Colonel Crawley an opportunity of vindicating himself. If that had not been done an impression would have been left upon the public mind that a commanding officer in Colonel Crawley's position could with impunity be guilty of such conduct as was imputed to him, and the consequence would have been very injurious to the public service, and might have interfered with our recruiting operations. Moreover, the case stood in a peculiar position in consequence of the course which had been taken by Colonel Crawley himself. That officer, in the reply he made before the court-martial at Mhow, used language which it was impossible to interpret at that time, with the light we then possessed, in any other sense than that something had been done which shocked Colonel Crawley—which he considered improper. I think, speaking from memory, he even used the word "inhuman," and he said that the blame for that proceeding was not attributable to him, but to his adjutant, Lieutenant Fitzsimon. That speech was delivered one month after Sergeant Major Lilley had given his evidence at Mhow, and therefore at a period when it was reasonable to suppose that Colonel Crawley had had full time to inquire into what had really taken place, and to make himself perfectly acquainted with all the circumstances. Then again, just at the time when this subject was brought prominently before the public, Lieutenant Fitzsimon came to this country and was summoned to the Horse Guards by the Commander-in-Chief. He stated, that when he found his conduct reflected upon by the Commander-in-Chief in India in his remarks upon the court-martial he sent in a remonstrance in the proper official course, showing that he was not to blame, but that he had simply carried out the orders of his commanding officer. That remonstrance, with other facts of the case, has since been placed before the court-martial at Aldershot. It appeared that the remonstrance was sent to the General commanding the district, who returned it to Lieutenant Fitzsimon, with an intimation that it was of an insubordinate character, and must be withdrawn. Ultimately, Lieutenant Fitzsimon did withdraw the remonstrance. When the illustrious Duke (the Duke of Cambridge) saw the remonstrance, he was of opinion, as was also the Adjutant General, the proper authority upon such questions, that the letter was not of an insubordinate character. We had then the fact, that a remonstrance which, according to competent authority, was properly worded had been rejected as insubordinate, and therefore had never come to the knowledge of Sir Hugh Rose, nor had been forwarded to this country. Therefore the case stood at that time thus: there was great public excitement, and heavy charges had been made against Colonel Crawley—who seemed himself to admit that something improper had been done for which he blamed Lieutenant Fitzsimon, who, when he remonstrated against such blame, was told that his remonstrance was insubordinate. Such were the circumstances when the court-martial was decided upon. I thought then, and I think now, that those circumstances justified the course taken by the Government and the military authorities. The result has been, that the suspicions which had been excited have been dissipated by the court-martial; but if the court-martial had not taken place in this country those suspicions would have still prevailed. Without that proceeding, false impressions would still exist on the public mind, and Colonel Crawley would not have had the means of vindicating himself in the face of his countrymen. It appears to me, looking at all the facts and at the result, which has been the full and honourable acquittal of Colonel Crawley, which has been accepted by the military authorities, by the Executive, and which Her Majesty, upon the advice of the proper authority, has been pleased to confirm by directing the return of Colonel Crawley to his regiment, that the authority of the gallant officer has not been weakened or impaired, but has been rather restored and strengthened. The noble and gallant Earl opposite (the Earl of Longford) has referred to the question of Colonel Crawley's expenses. I think there has been some misapprehension in the mind of my noble Friend near me (the Earl of Harrowby) upon that subject. The noble Earl spoke of the great expense to which Colonel Crawley had been put by the trial taking place in England. Every expense that was due to the fact that the trial took place in this country has been paid by the Government. The practice in cases of courts-martial is to pay nothing for expenses until the verdict is returned. In the case of Colonel Crawley, I saw at once that if we brought him home to be tried, it would be most unjust and injurious to him not to know whether the expenses of his witnesses would be paid or not. I immediately communicated with the Commander-in-Chief, and an intimation was sent out to Colonel Crawley, at the same time that he received notice of the court-martial, that the Government would pay the expenses of any witnesses he might think it advisable to bring to England. The expenses of these witnesses have been paid, his own travelling expenses have been paid, he has been in the receipt while here of his Indian pay and allowances, and his command money has been continued. While at Aldershot he was in public quarters, and everything has been paid except the expenses of the legal gentlemen he employed. There is no precedent for the payment of such charges, and as those expenses were not at all traceable to the change of venue to this country, it is impossible to draw any distinction between this case and any other. Therefore, those expenses, and those alone, the Government have not repaid to Colonel Crawley. One more point I must notice. The noble and gallant Earl (the Earl of Longford), says, that I, or rather the Government, have granted an unusual pension to the parents of Sergeant Major Lilley. The facts are these. The opinion of the Judge Advocate General was, that the prolonged imprisonment of Sergeant Major Lilley was illegal. I am no lawyer, and was bound to accept the law as it was given me by a competent authority; and being told that the confinement was not borne out by law, I did think that something should be done for the parents, very old persons, and I thought it was fair to give them a pension equal to that which Sergeant Major Lilley would have been entitled to when he retired from the service. I will not follow the noble and learned Lord opposite (Lord Chelmsford) in his legal argument, but I must say that I scarcely think the functions of a Judge Advocate General as public prosecutor in former times have been altogether of so mild and gentle a character as he assumes. Speaking from memory, I think I may say that such was not the view taken by General Whitelock of the conduct of Mr. Ryder as prosecutor. All I can say with respect to the office of Judge Advocate General is that, if viewed by the light in which we regard judicial officers in ordinary courts of justice, it is an anomaly, and that it has led to anomalies in practice. The question is important, and I am sure the House will not wish the Government to act hastily; but certainly the subject is, as I have already said, one which well deserves the most serious consideration.

WEST HARTLEPOOL RAILWAY DIRECTORS.—QUESTIONS.

THE EARL OF DONOUGHMORE inquired, pursuant to notice:—1. Whether the Case against the late Directors and Auditors of the West Hartlepool Harbour and Railway Company has been laid before Her Majesty's Attorney General; and what decision has been given on the subject: 2. Whether it is the intention of the Government to propose any Measure in the present Session of Parliament to carry out the Recommendations in the Report of the Select Committee on "Railway Companies Borrowing Powers" of last Session? He had no personal interest in the matter, and had no connection whatever with the district of country through which this railway passed. He had had the misfortune to be Chairman of the Committee which inquired last Session into the West Hartlepool Bill. He would not recall the attention of the House to the facts disclosed in the special report upon that Bill. It was sufficient to remind them, that the House was unanimously of opinion that such practices should be put a stop to, otherwise Parliamentary limits upon Borrowing Powers would become useless. The noble Lord on the Woolsack had promised, on behalf of the Government, that the evidence should be referred to the Attorney General, with the view to ascertain whether there were grounds for a prosecution of the late directors and auditors of the Company. He wished to know whether this reference had been made, and whether a prosecution would be instituted. In consequence of the facts that came out last year, a Committee was appointed to inquire what means should be taken for the purpose of restraining Companies within the Borrowing Powers of their Act. The Committee came to a Resolution that a half-yearly Return setting forth the amount of Borrowing Powers possessed by each Company, and how far they had been exercised, signed by the Chairman and Secretary, should be deposited at the Board of Trade; and also that every bond issued in pursuance of their Parliamentary powers should bear a certificate signed by the Chairman and Secretary, certifying that it was issued in pursuance of the Act or Acts, and was within the limits of the Borrowing Powers. There was another point before the Committee of a much larger nature, but which was not thoroughly discussed—namely, the question of the registration of Railway Securities for the purpose of giving greater security to the public. He wished to know whether, during the recess, this matter had been under the consideration of the Government, and whether they were prepared to submit to Parliament any Measure to carry into effect the recommendations of the Committee?

THE LORD CHANCELLOR: My Lords, the statement which the noble Earl (the Earl of Donoughmore) made to the House last year appeared to me to present a case of a very grave and serious nature. One of the principal circumstances of that case was, that some railway directors had at various intervals of time issued to the public debentures to an amount far beyond what they were empowered to issue. They had, therefore, succeeded in obtaining from the public large sums of money by fraudulent representations. I stated to the House, that I thought the case required investigation. At the same time, your Lordships will remember that if it was maintained there might be some difficulty in making it the subject of prosecution, as the parties from whom the money had been obtained had in some measure condoned the offence by coming into certain terms embodied in the Act passed last Session. But there were other circumstances of the case of a fraudulent nature which I thought deserved strict inquiry. Accordingly, the next day after the noble Earl's Motion, I directed instructions to be laid before the Solicitor of the Treasury to make them the subject of inquiry. That Gentleman in a most energetic and industrious manner investigated the whole matter, and prepared a case for the opinion of the Attorney General. That case, which was a document of some length, was laid before the then Attorney General in the beginning of August. Unfortunately, Sir William Atherton was then suffering under the beginning of that illness which afterwards increased from time to time, until it rendered necessary his resignation in October; and the same circumstances, I am sorry to say, prevented his giving any attention to the subject. When my hon. and learned Friend the present Attorney General succeeded him in office, the papers were immediately transferred to him. They received due attention, and he has given two opinions on the subject; but the opinion on both parts of the case concludes with a statement, that, under all the circumstances, he is not prepared to say that a conviction could be reasonably expected to be obtained, and therefore he does not think a Government prosecution is advisable. It belongs to my hon. and learned Friend entirely to administer that part of the law, and advise the Government. Having, therefore, directed his attention to the subject, and received the expression of his opinion, I am obliged to concur in it, that I do not think it desirable that any proceeding should be taken.

EARL GRANVILLE said, that two of the recommendations of the Committee had been referred to a very competent authority to consider how far they could be carried out. The Committee had not had time sufficiently to investigate the subject.

THE EARL OF DONOUGHMORE said, that all the inquiries before the Committee led them to conclude that no part of the money raised had been applied by Mr. Jackson to his own purposes.

House adjourned at a quarter before Seven o'clock to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 26, 1864.

MINUTES.]—SELECT COMMITTEE—On Taxation of Ireland *appointed* (*List of Members, March* 8), on Dockyards *nominated.*

SUPPLY—*considered in Committee**—Committee R.P.

PUBLIC BILLS—*Second Reading*—Land Drainage (Provisional Orders)* [Bill 25]; Inclosure* [Bill 26]; County Courts (Ireland) [Bill 12].

Committee—Malt for Cattle [Bill 6]; Conveyancers (Ireland) [Bill 5].

Report—Malt for Cattle [Bill 37]; Conveyancers (Ireland).

KERTCH PRIZE MONEY.

QUESTION.

SIR JOHN HAY said, he would beg to ask the Secretary to the Admiralty. If it is true that a portion of the Grant made by this House to the captors of Kertch and Yenikale has been bestowed upon three Flag Officers who were not serving in the Black Sea Fleet, or present at the capture?

Lord CLARENCE PAGET, in reply, said, it was true that a portion of the Grant had been awarded to Admiral Boxer, Sir Montague Stopford, and Sir Frederick Grey, who were not actually present at the capture of Kertch. But the Naval Prize Proclamation of 1854, issued at the opening of the war, gave a share to all Flag Officers upon the station; and the award of the Kertch money was ordered to be distributed "according to the rules of our Naval Service, and in accordance with our Proclamation of March 29, 1854."

SIR JAMES ELPHINSTONE said, perhaps the noble Lord will tell us where those officers were?

THE ANGLO-CHINESE FLEET.

QUESTION.

COLONEL SYKES said, he rose to ask the Secretary to the Admiralty, Whether the *Africa*, of four guns and 150-horse power, built in Her Majesty's Dockyard at Devonport, and launched 20th March, 1862, was sold to the Chinese Government; for what sum, and whether that sum has been paid; whether any other of Her Majesty's vessels have been sold to the Chinese Government; for what sums; whether the prices have been paid; and whether any monies are due, and the amount, from the Chinese Government on account of vessels sold, or for the supply of warlike or naval stores to the so-called Anglo-Chinese Fleet lately under the command of Captain Sherard Osborn, C.B., R.N.; and when the ship's books of Her Majesty's Ship *Encounter* are likely to be received at the Admiralty? He further wished to know, whether the prices obtained from the Chinese Government exceeded or fell short of the cost prices of the ships?

LORD CLARENCE PAGET said, in reply, that the purchase-money of the *Africa* had been fully paid, and likewise that of the *Jasper* and *Mohawk*. The stores supplied had also been paid for. In the books of the Accountant General, however, there was a sum of £766 7*s*. 6*d*. still remaining due to the public for stores supplied to that expedition, and the Accountant General believed that a further small sum would arise for stores supplied to the squadron after their arrival in Chinese waters. Captain Sherard Osborn had called upon him that day, and he had undertaken to state that the debt of the Chinese Government would amount to about £100 when the Admiralty had paid Captain Sherard Osborn for certain stores supplied by him, before he left, to the senior officer of the navy in China. Everybody knew that it was very costly to send out stores to China, and it was therefore a matter of good policy and economy to purchase the stores out there at their original price. After balancing accounts there would remain, as he had said, a sum of £100 due by the Chinese Government, and he had every reason to believe it would be paid. As to the latter part of the question, the ship's books of the *Encounter* were now in the office, as far as they ought to be, until the ship was paid off; and his hon. and gallant Friend by applying to the Accountant General at Somerset House could have any extracts from them printed which he thought necessary.

Colonel SYKES said, the noble Lord had not stated whether he got the cost price of the ships from the Chinese Government?

Lord CLARENCE PAGET replied, that the ships were sold at a valuation. They were disposed of for their real value at the time, just as they would be to any private individual.

Colonel SYKES: At a loss.

HIGHWAYS ACT.—QUESTION.

Colonel WILSON PATTEN said, he would beg to ask the Secretary of State for the Home Department, Whether it is his intention to introduce any Bill during the present Session to amend the Highways Act passed during the last Session of Parliament?

Sir GEORGE GREY, in reply, said, his hon. and gallant Friend was probably not aware that he had already stated, a few nights ago, in answer to a similar question, that he hoped to introduce a Bill on the subject. A memorial bearing on the subject had, however, reached his hands, and he wished to consider this before bringing in the measure.

TRAINING COLLEGES.—QUESTION.

Mr. GATHORNE HARDY said, he wished to ask the Vice President of the Committee of Council for Education, Whether, when a Student having been admitted to a Training College without passing, or after failure at the examination for admission by the Inspector, succeeds in the examination of Students at the end of each of two successive years of training, completes the prescribed period of probation, and becomes a Certificated Teacher, he will be counted to the credit of the Training College in estimating the Grant earned by the Institution under the Minute of March 21, 1863?

Mr. LOWE replied, that the Training Colleges were founded for the purpose of educating young men and women for the office of teacher, and it was not the business of those establishments to give elementary instruction, it being supposed that the pupil had received good elementary education before he came to the College to add there what was necessary to make him an efficient teacher. A person coming into a Training College without having undergone a good previous education was a great inconvenience and annoyance to the working of the College, for he could not generally be classed with the other students, and naturally dragged down the teaching to his own level. To prevent such occurrences, the Committee of Council had instituted a sort of matriculation examination for each of those training Colleges; and it was only in favour of those students who passed that examination that the Grant would be counted.

CHINA—MR. LAY.—QUESTION.

Mr. LESLIE said, he wished to ask the Under Secretary of State for Foreign Affairs, If it is the case that Mr. Lay, after being dismissed by the Chinese Government from the office of Inspector General of Customs, has been appointed by Sir Frederick Bruce to act as Chinese Secretary to the British Legation?

Mr. LAYARD begged to say, in reply, that no information of the kind referred to had been received by Her Majesty's Government; on the contrary, as far as he was aware, Mr. Lay was now on his way back to England.

THE CONVICT TOWNLEY.

QUESTION.

MR. MORRITT said, he would beg to ask the Secretary of State for the Home Department, Whether it will be possible for Townley, lately convicted of murder, whose sentence was commuted to penal servitude for life, to obtain, by good conduct or otherwise, at any future period of his life, a Licence or Ticket-of-Leave to be at large and free from restraint in either this or any other country?

SIR GEORGE GREY: Sir, I will only repeat the answer which I gave to a question on the same subject before—namely, that convicts under sentence of penal servitude for life, whether that sentence is original or remitted, are not entitled to the benefit of those regulations by which other convicts, under certain fixed conditions, may obtain the remission of portions of their sentences.

CASE OF THE "TUSCALOOSA."

QUESTION.

MR. PEACOCKE said, the noble Lord at the head of the Government told him the previous evening, that a set of instructions were sent out from this country to the Cape of Good Hope applying to a former supposed state of circumstances in connection with the *Tuscaloosa*, which orders were afterwards recalled and others substituted. He now wished to ask the First Lord of the Treasury, What were the other circumstances under which instructions were sent out to the Cape of Good Hope, and in consequence of which the *Tuscaloosa* was seized; and whether the Government will lay upon the table of the House the Papers relating to the subject?

VISCOUNT PALMERSTON: Perhaps my answer to the latter part of the hon. Gentleman's question will save the House the trouble of listening to a rather complicated answer to the first part of the question. We have no objection to produce the papers, and these will explain the circumstances under which the first order was given for the seizure of the vessel, and the subsequent order for her release.

BRIDGE STREET, WESTMINSTER.

QUESTION.

SIR JOHN SHELLEY said, he wished to ask the First Commissioner of Works, When the houses left standing on the South side of Bridge Street, Westminster, will be removed; and whether any decision has been arrived at as to the mode in which the vacant ground should be utilized?

MR. COWPER: Sir, the freehold of those four houses still remaining on the south side of the street has been purchased, and I am in negotiation for the purchase of the leasehold interest. I expect that, before very long, an agreement may be made as to the value of the leasehold interest, and as soon as this interest has been acquired, the houses will be pulled down. Then the time will come for a decision as to the appropriation of the vacant site, but at present no such decision has been come to.

DOCK AT MALTA.

QUESTION.

SIR JOHN HAY said, in the absence of his hon. and gallant Friend (Captain Talbot), he would beg to ask the Secretary to the Admiralty, If he will lay upon the table of the House the Report of Admiral Sir Frederick Grey and Mr. Whitbread, upon which the Admiralty decided upon the proposed dock at Malta, as opposed to the views of Admiral Sir William Martin and Vice-Admiral Codrington, and all other official Papers and Correspondence that bear upon the subject, and which is not contained in the Papers now upon the table?

LORD CLARENCE PAGET: Sir, the hon. and gallant Member has put the question under an erroneous impression with respect to Sir Frederick Grey and Mr. Whitbread. They were at the time both members of the Board of Admiralty, and they were deputed by the Duke of Somerset to go out to Malta to inspect the plans and the site for themselves, and to hear all the arguments *pro* and *con* with regard to the proposed new dock. They made no written report, but the substance of their opinions is embodied in the decision of the Admiralty. With regard to the latter part of the question, I have to state that the Admiralty are willing to give all the correspondence as to the Malta docks, but if the Motion were agreed to as it stood, it would oblige us to produce a long previous correspondence and plans that would cost a great deal of money to prepare. But all those previous Reports are by Officers of the Admiralty, and in favour of the Admiralty scheme, and the hon. and gallant Member will not, therefore, get much advantage from them. If, however, after coming to the Admiralty, he still wishes for the production of the whole, I shall, under the peculiar circumstances of the case, have no objection to produce the whole of the papers.

CHAIN CABLES—PROOF CERTIFICATES.

QUESTION.

MR. LAIRD said, he wished to ask the Secretary to the Admiralty, Whether the Lords Commissioners of the Admiralty have given notice, by public advertisement, that they will accept the private Proof Certificates of Messrs. Brown, Lennox, and Co., for Chain Cables used on board ships hired by the Transport Department of the Admiralty for the conveyance of troops, in lieu of those required from Lloyd's Committee; and, if any such order has been made, if he has any objection to lay the same upon the table of the House; and if they accepted Messrs. Brown, Lennox, and Co.'s private Certificate of Proof for Cables supplied for vessels in Her Majesty's Navy without further test?

LORD CLARENCE PAGET said, in reply, that Messrs. Brown, Lennox, and Co. stated to the Admiralty that they had applied to the Committee at Lloyd's for permission to allow their testing apparatus for chain cables to be accepted as the official test until the 1st of July next, and that the Committee at Lloyd's agreed to allow Messrs. Brown, Lennox, and Co. to issue cables and anchors, and accept their proof test until that date. They applied to the Admiralty for the same privilege with regard to ships in the public service, and the Admiralty granted them the same privilege which had been given by Lloyd's Committee.

MR. LAIRD: Will there be any objection to lay the advertisement on the table?

LORD CLARENCE PAGET: None whatever.

NEW ZEALAND LOAN.

QUESTION.

MR. ARTHUR MILLS said, he wished to ask the Under Secretary of State for the Colonies, Whether the New Zealand Legislature has passed an Act authorizing a Loan of Three Millions sterling for Colonial purposes; and whether there is any foundation for the rumour that such Loan is to be guaranteed by the Imperial Government; and whether any recent Correspondence respecting the War in New Zealand will shortly be laid before Parliament?

MR. CHICHESTER FORTESCUE said, in reply, that last year the Home Government agreed to make application to Parliament to guarantee a Loan of £500,000 on condition that a certain portion—£200,000, he believed—should be applied to liquidate a debt due by the Colonial to the Home Government. However, the gentleman who was then acting for the New Zealand Government in this country, objected to the amount claimed by the Imperial Government, and the arrangement for the time came to an end, and the Bill which had been introduced was withdrawn. Since that time, the Governor of New Zealand had informed the Home Government, that his Ministers would be prepared to make the payment claimed by the Imperial Government out of such a Loan. A rumour had reached the Colonial Office in the shape of a debate in the New Zealand Parliament, that the Colonial Legislature had passed, or were about to pass, a Bill to negotiate a Loan for £3,000,000, and that they would probably apply to the Home Government for a guarantee for such a Loan. However, no such application had yet been received, and the subject could not therefore be considered. With respect to the papers alluded to by the hon. Member, they would shortly be laid on the table.

BUSINESS OF THE EVENING.

OBSERVATIONS.

MR. BENTINCK said, he wished to make an appeal to the noble Viscount at the head of the Government with regard to the course laid down for the Business of the Evening; and, in order to place himself in order, he would conclude with a Motion. It appeared by the papers, to be the intention of Her Majesty's Government to go into Committee of Supply on the Navy Estimates that evening. It would be in the recollection of the House that, on Wednesday last, the right hon. Gentleman the Chancellor of the Exchequer made an appeal to the House to permit a Motion to be carried, that the Speaker report Progress, as unavoidable circumstances compelled him to leave, and the right hon. Gentleman named Friday as the day for considering the Malt for Cattle Bill in Committee. On the faith of this understanding, a number of hon. Members were now present. It was therefore quite clear that great inconvenience would arise if the proposal so volunteered by the right hon. Gentleman was not adhered to. All hon. Members were aware that, by the rules of the House, Motions of Supply were placed on the paper on Fridays for the purpose of enabling Members to raise questions of various kinds; but he apprehended that it was not in accordance with the rules or practice of the House that Her Majesty's Government should force on Estimates, especially under present circumstances. Without saying anything about the merits of the Malt for Cattle Bill, it was clear that great inconvenience was arising in the country from not knowing what the decision of the House might be. He therefore begged to ask the noble Viscount whether he will consent to the Malt for Cattle Bill being taken before the Estimates?

VISCOUNT PALMERSTON: Sir, I cannot agree with the doctrine laid down by the hon. Gentleman, that the rules or practice of the House exclude the House from going into the Estimates on Fridays, after the preliminary matters have been disposed of. With regard to the particular question raised, I can only say that, if any expectations were raised by any arrangement made on the part of the Government as to a particular question, unless great public inconvenience would arise from its being postponed, I should always be anxious not to inflict disappointment on those who come on the faith of the arrangement. I was not aware yesterday evening when we fixed the Navy Estimates, that any such agreement had taken place, but I am quite ready to accept the hon. Member's version of it, and I can at once assure him we will not go into the Navy Estimates this evening, but take the Malt for Cattle Bill if possible.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DENMARK AND GERMANY.
BASES OF PROPOSED CONFERENCE.
QUESTION.

MR. SEYMOUR FITZGERALD: I wish to ask the noble Viscount a Question of which I have not given notice. It refers, however, to a matter of importance at the present moment, and it is also one with which the noble Lord has so intimate an acquaintance, that he can have no difficulty in replying. If, however, he prefers that I should ask the Question on another day I will do so. I wish to know, Whether the Government have laid down any points as bases for the Conference that is proposed to take place respecting the Danish and German dispute; and, if so, whether he is at liberty to communicate them to the House?

VISCOUNT PALMERSTON: The only basis on which the Conference between the Powers that concluded the Treaty of 1852 can take place—especially after the declaration made by Austria and Prussia that they adhere to the Treaty of 1852, and after the declaration from France that she also considers that treaty to be binding, and is favourable to the maintenance of the integrity of the Danish Monarchy—is of course the basis of the Treaty of 1852, and for the purpose of making arrangements compatible with the maintenance of the integrity of the Danish Monarchy.

MR. SEYMOUR FITZGERALD: I should like to ask the noble Lord, whether one point laid down as a basis is that Schleswig and Holstein should continue to be united?

VISCOUNT PALMERSTON: We have not got the consent of all the parties concerned to the assembling of the Conference. We have received to-day a paper from Copenhagen, intimating that owing to local considerations, the Danish Government wished to be allowed to postpone their decision as to acceding to the Conference for a certain period of time. Of course, it is not for us to lay down any detailed arrangement which shall be the subject of consideration at the Conference. It will be sufficient that the basis of negotiation will be that which I have stated—the integrity of the Danish Monarchy.

DENMARK AND GERMANY.—THE GERMAN DIET AND THE CONFERENCE.
QUESTION.

LORD JOHN MANNERS: Yesterday I asked the noble Lord whether the German Diet had been invited to attend the Conference, and I understood him to say his impression was that the German Diet had not been invited to attend the Conference. Can he tell us now, Whether, in the first place, the German Diet has been invited to send a representative to the Conference; and, if so, what answer has been received?

VISCOUNT PALMERSTON: No answer has as yet been received. The House will easily understand that the Diet may be under some difficulties on the subject. The Diet is divided into two very conflicting and antagonistic portions, one portion adhering to the Treaty of 1852, and the principle of maintaining the integrity of the Danish Monarchy; the other, having proclaimed from the outset that the object to be aimed at is the dismemberment of the Danish Monarchy. We may hope that that obstacle may be got over; but, at the same time, it is possible there may be some difficulty in framing the particular instructions which the representatives of the Diet should receive.

SLAVE TRADE.—QUESTION.

MR. CAVE, in asking, pursuant to notice, Whether Her Majesty's Government intended to carry into execution the provisions of the treaty with the United States for the suppression of the slave trade, by stationing cruisers off the coast of Cuba, said, it was with great diffidence he ventured again to bring this subject before the House, as he felt he might lay himself open to the charge of occupying the time of hon. Members with an obsolete and unpractical subject. He was well aware that of late years many circumstances had combined to modify the strong feeling which formerly prevailed in the House and the country upon the subject of slavery. Information had, however, reached him which he thought justified the course he was about to take, and he would be very brief. He felt, moreover, however various might be the opinions which prevailed on the subject of involuntary servitude, there could be but one upon the slave trade. No English voice would be raised in its defence, and no Englishman would now deem it anything but a most detestable crime, whether they contemplated the misery inflicted upon the unhappy captives torn suddenly from their peaceful homes with every circumstance of atrocity, or upon their families, if any were left, who had escaped the torch and weapons of the manstealer; or whether, taking a wider view, they reflected that the testimony of all travellers, from Bruce and Mungo Park to his distinguished friend Captain Speke, united in condemning the slave trade as the greatest bar to the civilization and improvement of the tribes even far in the interior of the great African continent. But to come home to ourselves, there surely must be many who saw with apprehension how dependent we were upon this broken reed, and how sorely we might some day suffer from so unsatisfactory a position. He would explain his meaning in a few words. Thirty years ago the people of England, awakened to the evils of slavery, emancipated the negroes in their colonies at the cost of an enormous sum of money and of a social revolution from which few of those colonies had yet recovered. That was, in the eyes of the world, a remarkable sacrifice of expediency to principle. Some years later the increase of manufacturing industry in the midland counties gave an immense impetus to the growth of cotton. The internal slave trade peopled the cotton fields of the south, and the slave States of America obtained the monopoly of supply. We were now lamenting the consequences. A few years later we opened our ports to slavegrown sugar. The African slave trade revived with all its atrocities, and the production of free labour languished throughout the world. We now depended upon slavery not only for two-fifths of our supply, but for nearly half the vast revenue derived from sugar. Should an insurrection break out in Cuba—and four years ago such an event would have seemed far more probable than the disruption of the United States—we might have cause to regret a change of policy which, in the eyes of many in this country, and still more out of it, seemed a remarkable sacrifice of principle to expediency. He had long felt the anomaly and danger of depending for so large a portion of our revenue upon a source which we condemned and were doing our best to destroy. There was now a race between our own colonies and Cuba. British Guiana, in a recent memorial to the Colonial Office, one of the best written and most temperate documents that ever came from a colony, stated, that with a steady supply of immigrants she could compete with slavery, but not with the slave trade. The House knew how we had striven year after year, at considerable expense, and the sacrifice of many valuable lives, to put down this abominable traffic, and how we had been baffled by other nations allowing their flags to shelter it. One of the most promising changes in this respect had been the Treaty of 1862, under which the United States conceded the right of search in case of suspicion of slave trading. It was supposed that, this point gained, our difficulties would vanish, and that a few fast steamers off the coast of Cuba, where they were so efficient before (till recalled, owing to difficulties which had been removed by this treaty), would entirely put an end to the slave trade. What, then, had been the result? How did we stand in 1864? That was the information he sought from Her Majesty's Government, as the papers which had been presented to Parliament left them in a state of complete uncertainty. We were now advanced some little way into the present year, yet these interesting documents (Slave Trade Correspondence A and B) did not carry us beyond 1862; and it was most extraordinary and unfortunate that, on three important points, they broke off at the most critical moment, leaving us in the tantalizing case of the readers of sensation novels in monthly parts, with this difference, that our curiosity could not be satisfied till, at the earliest, the lapse of another year. What, then, did these papers tell us, and what did they leave untold? They told us that the trade to Cuba was as brisk as ever. That, although less than 12,000 slaves had been reported as landed during the year, yet that so many new estates had been established in remote districts that vast numbers of slaves had been smuggled on to the keys or small rocky islets with which the coast of Cuba was fringed, whence they were removed a few at a time in country boats, so that it was impossible to say how many had been imported. They informed us that slaves were so valuable, that on one occasion the owners could afford to pay no less than £12,000 as hush money to Spanish officials for a cargo of 490. These papers mention, that the vigilance of Spanish cruisers had diminished in consequence of the sailors having been kept out of their prize money by the authorities. We learnt from them that the horrors of the middle passage had not diminished, when we read that there was a slaver captured by Her Majesty's ship *Antelope*, measuring from 85 to 90 tons, having 558 slaves on board, besides her crew, or seven persons to a ton, with a slave deck only thirty inches high, and insufficient food and water for the voyage of 50 days to Cuba. We had the usual passages of arms, or rather of sharp writing, between the noble Lord at the head of the Foreign Office and the Spanish authorities, which were very creditable to the acuteness of both parties, but did not materially advance the question. We found, however—that this was most important—that in May 24, 1862, the noble Lord communicated the American Treaty to the French Government, and suggested that a similar right of search might be conceded by France. He (Mr. Cave) looked most anxiously for the reply. It was not given in the papers, but on the 31st of December, the last day to which the papers extended, he found a complaint to Lord Cowley, that a steamer with French colours had just left the coast of Africa with 1,000 slaves. In June the same year he found a similar proposal to the Sultan of Zanzibar. Again, he found no notice of the result. But, at any rate, Her Majesty's Government must have taken advantage themselves of that treaty with the United States which was to remove all our difficulties. At least, so he thought when he found Lord Russell, on the 11th of September, 1862, not brooking the tedious delay of the post or even of a courier, telegraphing to Sir John Crampton at Madrid, that Her Majesty's Government were going to send men-of-war to cruise off Cuba, and instructing him to propose to the Spanish Government that these cruisers should have liberty to anchor off any part of the coast. He looked carefully for the reply, but was still entirely in the dark, as far as those papers went, whether the required permission was given or, indeed, whether the cruisers were sent at all. This, then, was the point at which these papers left us more than a year ago. What had been done since? He feared nothing had been done. A recent memorial from Jamaica complained that the trade was being carried on in full vigour. A naval officer of the station wrote last month from Port Royal in the following terms:—

> "The past year has been one in which much might have been done to suppress the slave trade, as our treaty with the United States regarding the right of search was ratified early in 1863. Notwithstanding the principal objection was removed by that treaty, no advantage has yet been taken of it, and the cruisers have been so few in number and tied down by such rules, that the blockade of the coast of Cuba has not even been one which could be put on paper. As I now write, there is not a single vessel on the Cuban coast from this division, and I am certain that those in the Bahamas do not come down, except to get a stock of cigars now and then at Havannah. In fact, their duties are too arduous at Nassau in looking after British interests, and preventing attacks from Federal ships of war. We have at anchor to-day the gunboats *Cygnet*, *Steady*, *Landrail;* sloops

Peterel, and *Barracouta;* corvettes *Jason* and *Challenger*, and flagship *Nile*. If the commanders were allowed their own discretion in cruising off Cuba they would pay for information, which is easily obtained; and, as was the case a few years ago, slavers would be taken at the rate of three or four a month; as it is, not one has been taken since we have been on the station. The commanders naturally do not enter with much zeal into the cruising, as they are told off for a particular station, and there they must remain, and their cruising ground is as well known to the slavers as to the commodore. Our papers authorize us to search the vessels of every nation, save France, and there ought to be six vessels on the north and six on the south if we wish to be in earnest and stop the slave trade."

He (Mr. Cave) had the honour of transmitting to the noble Lord at the head of the Government, a few weeks since, two schemes for watching the Cuban coast, written without concert by persons who were well acquainted with those regions, and fully borne out by this letter received only a few days ago from an entirely independent source. The price of sugar was rising, which would enable the Cuban planter to give a higher price for slaves, and the demand would assuredly be met by increased supply. It was stated, indeed, that the new Captain General of Cuba was determined to stop the trade, and had already given proof of his sincerity. If this were really so, the thing would be done, as Spain, doubtless, had the power in her own hands; but he could not forget that the same good tidings had been received of one Captain General after another for years past, and had not been borne out by the result. At any rate, such good resolves would not be weakened by absence of temptation, and he trusted that the new admiral, Sir James Hope, than whom no man was more capable from former experience of coping with the slave trade, would take care that the temptation to which the Captain General might be exposed was not greater than he could resist. It was now well nigh fifty years since nearly half-a-million was paid to Spain in consideration for treaties which had been systematically evaded, for undertakings which had never been performed. We all knew too well the expenditure of English money and the waste of valuable English lives which had during that long interval been caused by this breach of faith, and he (Mr. Cave) thought the time was now come, when the people of this country had a right to know whether there was any better hope for the future or not; and, if not, then it would be for them to decide whether the partial success which had hitherto attended our efforts was worth the heavy cost at which it had been attained.

VISCOUNT PALMERSTON: Sir, I can assure the hon. Member that the Government feel as deeply as he can on the subject to which he has drawn the attention of the House; and, if I may be allowed to speak of individuals, I venture to say that no men in the country have felt more warmly, and, within the limits of their spheres of action, have exerted themselves more for the suppression of the slave trade than my noble Friend at the head of the Foreign Office and myself. At the same time, when we recollect the great difficulty which was experienced in this country in gaining a victory over interested parties who maintained the slave trade, we must make some allowances for the reluctance which other Governments manifest to adopt the course which we have so honourably followed. But great progress has been made, though it is natural for man to look rather to that which remains to be done than to that which has been accomplished. In a survey of the whole matter, however, it is right to look both ways; and when we consider that the Brazilian slave trade, which formerly amounted to 60,000 or 70,000 slaves a year, and which implied the wretchedness and misery of three times that number of persons, including those who were torn from their homes, and died on their passage inland, or in crossing the Atlantic, we may say that a very great and important benefit has been done in the cause of humanity by the extinction of the slave trade of Brazil. Then there remains the slave trade of Cuba. That used to be, I believe, an importation of 20,000 slaves, or more, a year. According to the last accounts we have received from those who look to these matters, we have reason to think that the actual importation in 1863 has not exceeded 6,000 or 7,000. This is a very great reduction, and has been owing, in a great degree, to the treaty with the United States. The protection afforded for a great number of years to the slave trade by the American flag gave impunity to a vast extent of crime, and the President of the United States in the handsomest manner agreed—nay, almost himself proposed to us—to make a treaty for a mutual right of search, which has proved most valuable for the accomplishment of our object. I am sorry to say that the Government of France has not thought fit to follow the example of the

United States—and that is more to be regretted as France took the lead in abolishing of her own accord the slave trade, and for a certain time agreed to a treaty for a mutual right of search. But a feeling of jealousy arose with respect to the national flag, and that treaty was put an end to, and we have not been able to obtain a renewal of it. France, however, does employ cruisers on the coast of Africa, and I have reason to hope that the action of France will be directed energetically and sincerely to put an end to the slave trade. We know that for a certain time the pretended immigration of free labourers into the French colonies, obtained I must hope under false representations, the sanction of the French Government. That was, in fact, the slave trade in its purest form, as far as concerned Africa. But, as slavery was abolished in the French colonies, these wretched immigrants when they arrived at their destination were not called slaves, but apprentices for a certain time. It was a great abuse, and the French Government felt it proper to put an end to it on condition of having the power of exporting coolies under regulations from our Eastern possessions. I am bound to say with respect to the present Governor and Commander-in-Chief in Cuba, that he has acted most honourably, and has exercised his power in every case effectually for the suppression of the slave trade. But the power of the Governor is not complete, as there are certain laws of Spain which cramp his action, and at his suggestion we have forwarded an earnest recommendation to the Government at Madrid to repeal those laws. This representation has not yet been successful, but I hope shortly that the Spanish Crown will feel it due to itself and the honour and good faith of the Spanish nation, to remove the obstacles which stand in the way of the accomplishment of the purposes for which the treaties for the suppression of the slave trade were concluded. We have forwarded to all our cruisers on the American station warrants authorizing them to exercise the right of search with respect to all the flags in reference to which we possess that right. It is very natural for those who look at one part of a question to think that part all important; and sometimes, if they succeed by their eloquence and energy in effecting their object, they may do as much harm as good. I recollect that the late Sir Fowell Buxton, as sincere an advocate for the abolition of slavery as ever lived, and who to his honour laboured with great success in the cause, at one time took up the notion that trading up the African rivers would be the great impediment to slavery. He published a book, and in his earnestness declared that the employment of those other means which were thought necessary by other people had failed. The hon. Member opposite attaches great value, and deservedly, to the action of our cruisers on the coast of Cuba. There is no doubt of their importance, and the warrants given to them to examine suspected vessels under the American flag will very much assist them in the performance of their duty; but I take leave to say that the value of captures in different places may be stated in the proportion I am now going to mention. The most important capture is the slave ship equipped and prepared on the coast of Africa without any slaves on board. That is the most important capture, because that prevents the misery entailed by the embarkation of the negroes, and throws on the hands of the chief, who makes money by selling them, the commodity before he has received the money. The next valuable capture is a ship with negroes on board, but off the coast of Africa, because then the negroes escape the sufferings of the middle passage which the hon. Member has so forcibly described. The third important capture is a slaver, with negroes on board, off the coast of Cuba, because those who have thus far survived the voyage are rescued from the doom to which they were destined, and restored to comparative freedom. I can assure the hon. Gentleman that we are not at all blind to the importance of the points upon which he has dwelt. Admiral Hope, a most active and energetic officer, than whom no man has more at heart the abolition of slavery, and who has a local knowledge of these matters, will, I have no doubt, under the instructions of the Admiralty, do everything in his power to effect that object. There is one point which, I think, the hon. Member hinted at. We applied to the Spanish Government to give permission to our cruisers on the coast of Cuba to anchor within their territorial limits. I am sorry to say that they have not hitherto agreed to that proposal. There may be some feeling of national jealousy in the matter, or those who influence the Spanish Government may be actuated by other motives, not, perhaps, so honourable. I hope, however, we may yet prevail on them to concede this privilege, because it would be a great advantage to our cruisers. The channels by which these slaves arrive are well known, and limited in number; and if we could station our vessels so as to command those channels, it would greatly facilitate captures. It is well known that the Spanish Government have been urged over and over again, by every motive of national honour and good faith, to exert themselves for the suppression of slavery. They have always stated that orders of the most stringent character had been sent to Cuba, but that the difficulty of putting them into execution had hitherto foiled the intentions of the Government. I know that the Marquis of Miraflores, who was not long ago at the head of the Spanish Government, was most sincerely and honourably anxious to do all in his power to carry out the treaty. As to the papers relating to the slave trade, they include reports and correspondence from distant parts, and some time must elapse before they are all received and ready for presentation to Parliament. Those for the last year are now in course of preparation, and will, I believe, be laid before Parliament very shortly. I trust that they will show a considerable diminution in the slave trade of Cuba.

TAXATION OF IRELAND.—MOTION FOR A SELECT COMMITTEE.

COLONEL DUNNE said, he rose to call the attention of the House to the Taxation of Ireland; and to move for a Select Committee to consider how far it was in accordance with the provisions of the Treaty of Union, or just in reference to the resources of the country. His Motion was a renewal of that he made during the previous year, but he believed it would be new to most of the Members, because on the former occasion very few were present. Although his former Motion had no practical result, it was, he was bound to say, extremely gratifying to himself, as the Chancellor of the Exchequer showed a disposition to discuss the question fairly; but, of course, he did not agree with the arguments he used. Since then, a considerable change had come over the question. He never knew the attention of Ireland to be so thoroughly and earnestly directed to the consideration of her material interests, hitherto too much neglected, and especially the amount of taxation imposed upon her, as compared with the rest of the kingdom. In Dublin, a committee had been appointed to investigate the matter, which had taken evidence from witnesses from both sides, and had made an extremely clever report, very much in accordance with his views. Similar inquiries had also been conducted in Waterford, Clonmel, Limerick, and other towns. He hoped that was the commencement of an agitation in which every Irishman would take part, and which would bring the question fully and fairly before the Legislature. The great difficulty in dealing with the subject was the paucity of information. The Returns were often contradictory, and no clear accounts seemed, for some time past, to have been kept of the different taxes in Ireland. All the calculations appeared to be based on the false assumption that Ireland paid a certain amount of taxation, whereas she really yielded a great deal more. There was a considerable revenue which, although attributed to England, was actually derived from Ireland. At the time of the Union it was agreed that the proportion of taxation imposed on Ireland should be two-seventeenths, and that on England fifteen-seventeenths. That arrangement was resisted by Grattan and others in the Irish Parliament. The Lords protested against it as grossly unjust. In spite of all opposition, however, the Commons of Ireland induced, it was suspected, by the same reasons which won them over to the Union, agreed to it. Within seven years after that proportion had been in force, there was scarcely a statesman of the day who did not assert in the British Parliament that it was unfairly high. Ireland had been assured that she would enjoy a relief in the way of taxation and other advantages from the Union; but none of these expectations had been fulfilled. The fact was, that Ireland was taxed indirectly by heavy loans, which were put down to her credit, and which, at the end of fifteen years, amounted to an enormous sum. At the time of the Union, England had a debt of £420,944,590 and odd, and Ireland a debt of £26,841,219. The interest on the English debt was £15,000,000, and on the Irish, £1,150,284. Now, one of the provisions of the Act of Union was, that the two debts and the interest should be kept distinct; but that provision was never carried out. In 1802 the revenue of Ireland rose from £3,619,000 to £7,544,000, but the proportion of debt imposed upon that country amounted to about £107,000,000. The original debt was taken at £18,000,000, instead of £26,000,000, and to that was added £88,000,000, to make up a deficit which certainly did not exceed £9,000,000. On that point some explanation was required, and even after the lapse of sixty years a Committee of Inquiry might well be appointed. He would not press the matter, however, further than to show that the amount of debt thus saddled on Ireland was most unjust. At the time of the Union the debt of Great Britain, as he had said, amounted to upwards of £420,000,000, and the debt of Ireland to a trifle more than £26,000,000, making together about £447,000,000. Deducting that from the present debt—£736,000,000, there was a balance of £289,000,000, which, if divided in the proportion of 2-17ths, would give to Ireland a much smaller share than had been allotted to her, but which, if dealt with according to the value of the property assessed to the income tax, would reduce the portion payable by Ireland to £24,000,000, or £25,000,000. Surely, then, the people of Ireland had a right to inquire whether they were not called upon to pay more than their fair proportion. The Act of Union provided that at the end of seven years the proportion established between the two kingdoms might be revised, and, if necessary, altered. It was inconceivable to him how, while almost every statesman of eminence was complaining of the injustice done to Ireland, advantage was not taken of that provision. So it was, however; and twice seven years passed without anything being done. At length, in 1816, the two Exchequers were consolidated, and then was placed on Ireland an amount of debt which had no reference either to her capabilities or to the principle of justice. The object, apparently, was to get from Ireland as much as could be squeezed out of her. Ireland, of course, sunk every day, and her condition became such that every one complained of it. In 1816 Lord Granville acknowledged that Parliament had not fulfilled its obligations to Ireland, and declared that the Irish people were entitled to demand redress as a right. The first Sir Robert Peel warned the House of Commons against imposing additional taxation upon Ireland, and Lord Castlereagh himself complained of the injustice done to that country. At a later period, Mr. James Fitzgerald stated that Ireland could not pay the 2-17ths which England had imposed on her, and the same statement was repeated by Sir Henry Parnell. In fact, almost every statesman of those days gave his testimony to the fact that the Irish proportion was an unjust one, and, therefore, he had a right to ask the House to inquire whether the evil could not be rectified and justice done to Ireland. He need not say that the consolidation of the Exchequers, though propounded as a panacea for the evils of Ireland, added to the mischief. It might be said, that the Consolidation Act of 1816, having virtually repealed the Act of Union, we could not go beyond it, and that we had nothing more to do with an Act which was obsolete. He maintained, however, that the Act of Union was as binding as it was before 1816. Since that time Parliament had more than once recognized the validity of the Act of Union. In 1823, for example, long after the consolidation of the Exchequers, a Bill was ordered to be prepared and brought in by the Chancellor of the Exchequer and others, in conformity with the 7th Article of the Act of Union, providing that no article in Ireland should be taxed to a greater amount than a similar article in England.

Apart from the provisions of the Act of Union, however, he could rest his case upon another ground equally strong—namely, the relative ability of each country to bear taxation, and in that view also he believed he should be able to show that Ireland was entitled to more favourable treatment than she received. It was notorious to Europe, that Ireland, although connected with a country abounding in wealth, and marvellously advancing in the accumulation of resources of every description, was diminishing in prosperity in every possible manner. Let them first of all look at her population. She had lost two millions and a half of her population, and emigration was constantly increasing those figures. The right hon. and learned Member for the University of Dublin stated the other night that 100,000 fighting men had left her shores for America. That assertion was questioned at the time, but as the whole number of emigrants was 150,000, and 50,000 would be a fair allowance to make for women and children, he had no doubt of its truth. He believed that the movement had not yet reached its maximum. He believed that if peace were restored in America, such a demand would arise for labour, in consequence of the exhaustion of the native population created by the war, that a new impulse would be given to the tide of Irish emigration, and the number of the emigrants would be doubled. He knew there were people who said—and he found that the present Lord

Lieutenant was one of the number—that the departure of the population from the country ought not to form a subject of regret. But that was not his opinion, and he could not help thinking that it must be a loss to any country to have its population flying from its shores. When he endeavoured to trace those evils to their sources, he was led to believe that the primary cause of the depression of Ireland was the repeal of the Corn Laws. He did not mean to pronounce an opinion as to the wisdom of that measure; it might have been productive of great benefit to this country; but it had certainly operated most injuriously for Ireland. Ireland had, practically, a monopoly of the English market for the supply of corn while the Corn Laws had been in operation, and that monopoly had been destroyed by the abolition of those laws; and such a change, to an agricultural country like Ireland, was an unmitigated evil. When wheat was at 26*s.* per barrel of twenty stone, it was impossible that the profits of agriculture should be such as they were in the old times of the monopoly. With the profits so did the pursuit of agriculture decay, and as the employment for labourers fell off they had no alternative but starvation or emigration. According to the most authentic accounts, Irish agriculture was passing through a period of depression. Within a period of ten years, the quantity of arable land under cultivation in Ireland diminished by upwards of two millions of acres, and during last year there was a further diminution of 144,799 acres, or between 5 and 6 per cent of the cereal crops of the country. Ireland used to export cereals to the value of from £4,000,000 to £5,000,000. She now imported £5,000,000 worth, showing a loss of £9,000,000 on that head alone. The falling off had also extended to green crops and to stock. The diminution of green crops last year amounted to 19,336 acres. Of horses, there was in the same period a loss of 23,715, valued at £189,720; of cattle, 93,415, of the value of £1,777,998; of sheep, 153,201, of the value of £147.421; and of pigs, 89,821, of the value of £98,000, making altogether a loss within the last year—that was from 1862 to 1863—of stock worth £2,207,616.

He approached the question of manufactures, and there, also, he could find little room for congratulation. In the north of Ireland it was true that the gain derived from the growth and manufacture of flax was considerable, but that was the only Irish manufacture, and it was confined practically to a single province. Attempts had been made to introduce flax into other portions of the country, but he was not sanguine enough to believe that fortunes would be made by it; on the contrary, a noble Friend had told him as his personal experience, that he had burnt not merely his fingers, but his arm up to the shoulder. At the same time, he thought the extension of the system ought to be encouraged, and to the extent of his opportunities he had done so. The chief good to be derived, in his opinion, from flax culture would be, if every peasant would grow a small portion for his own use, so that the women of the family could turn it into good and solid articles of clothing, and thus obviate the necessity of buying anything from Manchester. Other manufactures had almost died out in Ireland. In 1839 cotton mills were found in six counties, but in 1862 they had entirely disappeared. Woollen manufactures still lingered in some counties, but the struggle was a hard one, as shown by the fact that in 1839 they gave employment to 1,231 persons, whereas in 1862 they only occupied 862. The industry in frieze, however, was valuable, and he hoped it would be extended. According to the Reports of the Inspectors of Factories, worsted had sunk even lower than the woollen manufactures. There used to be a trade called "sprigging," which gave employment to 100,000 persons, chiefly in the north of Ireland; but since the beginning of the American war that had fallen off considerably.

Another test of the amount of prosperity in a country consisted in the value of the personal property and stocks transferred. Glancing over the Returns of the transfers accomplished by wills, letters of administration, &c., it appeared that the amount decreased from £4,250,000 in 1838, to less than £4,000,000 in 1857. The balance of stocks transferred between England and Ireland was generally in favour of Ireland to the year 1854 by about £1,000,000, but since then matters had changed, and were now the other way. That change was largely traceable, he believed, to purchases of corn, which had become necessary, and which always impoverished a country. With regard to savings banks, too, the investments were less in the present day than they were in 1845. It was true that they had rallied since the great fall in 1849; but they were now only £2,153,211, as against £2,921,581 in 1845. The Reproductive Loan Fund had fallen in a remarkable manner. In 1846 its capital was £408,842, and its circulation £1,770,397; in 1862 its capital was but £185,980, and its circulation £719,460. As regarded that particular fund, he did not think it a very great loss to the country, and probably some portion of the funds formerly utilized in that channel had gone to the savings banks. But still, its falling off was a feature that could not be overlooked in any general estimate of the resources of the country. Probably one of the most striking evidences of downward tendency presented itself in connection with railways. On more than one of the principal lines trains had actually been taken off, and the circumstance had been commented upon in terms of regret by Mr. Ennis, the chairman of the Midland Great Western Company. He had even heard that upon that line passengers bound to or from Galway in some cases would not travel by the ordinary trains, but waited for the goods trains. Another important branch of industry in which there had been a terrible decline was in the fisheries. In the year 1846 there were connected with the Irish fisheries 15,932 boats, and 70,011 fishermen; in 1862 the numbers had fallen to 11,375 boats and 48,601 men, being a decrease of 4,557 fishing boats and 21,410 hardy seamen, from among whom the noble Lord the Secretary to the Admiralty might, doubtless, have drawn materials for excellent crews in the case of a great national emergency. Another important indication of the declining wealth of the country, was the diminution which had taken place in the money circulated by the banks. In 1859 the Irish banks enjoyed a circulation of £6,870,238; but from that period depression had taken place year after year till the amount had fallen to £5,658,392. The Customs and Excise Returns had also diminished, but not in an equally perceptible degree, owing, he believed, to the fact that the amount had been maintained by additional taxation. A nobleman who had spent a great deal of money in Ireland, and who had lately returned from the west, assured him that until the present year he had never despaired of the prospects of the country. This result he attributed to the successive bad harvests; and although in his own neighbourhood the crops, as a whole, had been well saved last year, there were many other parts of the country where the produce by no means realized the earlier promise of the season.

Having shown the diminished capacity of the country to sustain heavy burdens, he turned to the question of taxation; and he found that in the last decennial period the taxation had increased from £48,560,000 to £52,893,000. The taxation of Ireland, as given in the last official Return, was £6,845,000, but that by no means represented the entire amount properly to be classed under that head. The customs' duties on much that was consumed in Ireland were paid in England. In addressing the House during the last year, he had over-rated the amount, but the Dublin Committee, by whom the subject had been investigated, calculated the proportion at about a million. £700,000 was paid in that way upon sugar alone, and that amount should be added to the taxation stated in the Return. Some years ago the net rents from Crown lands in Ireland amounted to £93,000; but many of these had been sold since, and the produce applied, not to the Irish, but the English revenue. The rents levied in Ireland were spent, in a great measure, out of the country. If Ireland were, indeed, an integral part of the kingdom, she had a right to count on a part of the sums that figured in the Miscellaneous Estimates. If stores were sold, if money were received on account of a Chinese indemnity, if sums owed by the Ionian Islands, by Greece, or Sardinia were repaid, why should not a share of these credits be apportioned to Ireland? These items would make another million, and altogether the real amount of Irish revenue might be put down at £9,000,000. Of course, the English revenue must be diminished in the same proportion. The next question was, how the proportion was to be regulated between the two countries? According to the provisions of the Act of Union, it was to be made by a comparison of the amounts in value of consumption of various articles of produce, such as tea, spirits, and beer. But this, under the altered circumstances of the country, was manifestly unjust, and why should not the valuation of property be taken as a scale of reference? He thought it would be a much fairer way of judging the question. This, at any rate, would be a very proper subject of investigation for the Committee. Two Returns have been moved for — one showing the proportion of taxation to population, and the other the proportion of taxation to property. The test of population he considered to be by no means a fair one, if the plan were adopted of dividing the income by the number of the inhabitants. This system was manifestly greatly to the advantage of the rich country over the poor one; because in the rich country wealth was much more largely diffused, and in the poor country the rate of valuation was much lowered. Out of the £8,000,000 or £9,000,000 of income, about £4,000,000 were sent annually to this country and spent in England, or elsewhere, by absentees. He had been told that the result of his Motion would be to show that Ireland was too lightly taxed, and that then the assessed taxes would be levied in Ireland. But he defied any Chancellor of the Exchequer to add a farthing to the taxation of Ireland. The people were flying the country, and no more taxes could be paid. The total income of Great Britain in 1862 was £70,433,620. Estimating Irish income at £8,341,119, the net income of England was £61,092,501. Of that sum, about £10,000,000 were spent out of England, and £51,000,000 in England. Another point was, as to the remission of taxation. Ireland had increased in taxation more rapidly than Great Britain. The increase of taxation in Great Britain from 1800 was as 16½ to 10 in permanent taxation, and with war taxes as 21¼ to 10. In Ireland, however, the increase had been as 23 to 10, while in 24 years it was as 46⅜ to 10. Since 1816 there had been a large reduction of taxation in England, but not in Ireland. In 1816 the taxes repealed were £17,196,324, of which the benefit to Ireland was only £163,155. From that time to 1842 the taxes paid by Great Britain were repealed to the amount of £45,549,683; by Ireland only £2,416,981. Since that time the income tax had been imposed and the spirit duties increased. The proportion of taxation to population was an unfair test, but the reverse was the case in regard to the proportion of taxation to property. The property assessed to income tax in Great Britain was £301,380,730; in Ireland, £21,638,975. The gross revenue of Great Britain was £61,360,749; of Ireland, £6,792,606. Thus, for every pound of gross revenue, Great Britain paid 4*s.* 0¾*d.*, while Ireland paid 6*s.* 3½*d.* If, however, there were added to the account uncredited Customs and absentee rents, there would be a drain from Ireland amounting to at least 10*s.* in the pound. In this way Ireland had become impoverished by a load of taxation. After he had thus laid his case before the House, he would ask if there was anything unreasonable in his Motion. All he wished to ask the House was this — Was there anything unreasonable in a reconsideration of the Treaty of the Union for the purpose of ascertaining whether the promises held out by that treaty had been fulfilled, and whether, considering the relative wealth of the two countries, the method of taxation was just and equal? And if he had proved that every species of industry and wealth had been lessened in Ireland, he thought the House could not refuse an inquiry to see whether the present taxation of Ireland was not greater than she could bear. The Irish people had turned their attention to this subject with the same ardour that they frequently displayed on far inferior questions. He had made no complaint against the Government, he had simply asked for an account between the two countries, and he thought, if the Committee were granted, there was no reason why either party should be dissatisfied with the examination. The hon. and gallant Member concluded by moving the appointment of a Select Committee.

MR. HENNESSY, in seconding the Motion, wished to ask the Chancellor of the Exchequer one question. They were about to have this Committee granted, and a Conference might take place between half-a-dozen English Members and half-a-dozen Irish Members. What, then, was to be the basis of that Conference? The noble Lord had told them that a basis had been fixed for the Conference on the Dano-German question, and there was a remarkable parallel between the cases of Denmark and Ireland. In both cases there were certain solemn engagements which had been made and broken. Mr. Pitt promised at the time of the Union that Ireland should be taxed only in proportion to her ability to pay, and that promise had been broken. Lord Castlereagh also said that the government of Ireland should not be administered by Englishmen, but by Irishmen—a promise, likewise, which had not been carried out. The present Lord Lieutenant of Ireland approved of the depopulation of the country, and thought it a healthy symptom that the people should be going away. The Irish Members differed from his Excellency on that point, and deplored the loss of the population. He wished, therefore, to know whether or not, in granting this Committee, the Government would make it the basis of the inquiry that the people of Ireland ought to be preserved?

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed, to consider the Taxation of Ireland, and how far it is in accordance with the provisions of the Treaty of Union, or just in reference to the resources of the Country,"—(*Colonel Dunne,*)

—instead thereof.

SIR EDWARD GROGAN said, the Irish Members were most grateful to his hon. and gallant Friend for bringing forward this subject, and for dealing with it in the manner he had done. There was a striking and a painful contrast between the condition of England and Ireland. In England there was no end to the accumulation of wealth and the development of prosperity. Let them cross the Channel, however, and all was changed. He did not, of course, hold the Government responsible for the succession of bad seasons under which Ireland had suffered; but the country was not in a progressive state, and there must be something wrong to account for its backwardness. The Irish people believed that one great cause of the evil was over-taxation; and where a country was taxed beyond its means its capital must diminish and its condition become retrograde. He did not want any special exemptions in favour of Ireland; but as Scotland, under the terms of the Union with England, had the benefit of certain sums for the formation of harbours and other improvements, so Ireland also ought to have proportionate sums for encouraging her industrial progress and developing her natural resources. It was scarcely possible to get at the relative financial position of the two countries, from the conflicting Returns issued on the authority of the Government, and he hoped that one of the advantages of the proposed inquiry would be the putting an end to that state of uncertainty. The conviction was strong and general in Ireland that the country was grossly over-taxed, and that it was entitled to some relief. Ireland had a right to such an adjustment of her burdens as was consistent at once with the terms of Union and with her ability to contribute. With that she would be satisfied, but not with less. He trusted that the Committee would be impartially constituted, so as to secure for it general confidence.

LORD DUNKELLIN said, that all who listened to the hon. and gallant Member must sympathize with the account he gave of the state of Ireland. He feared, however, that his hon. and gallant Friend had gone the right way to attain the end which the Irish Members all had in view. That end was to call attention to the heavy load of taxation which Ireland laboured under, in order to effect some alleviation of it. It would, perhaps, have been better, therefore, if particular burdens pressing unduly upon that country had been brought under the Chancellor of the Exchequer's notice, with a view to their being removed or mitigated in the right hon. Gentleman's next financial scheme. If the Committee were to go through all the accounts from the date of the Union to the present time, making out a kind of debtor and creditor sheet as between the two countries, and were also to consider the grounds why one tax had been put on and another taken off, he was afraid they would get into endless confusion and embarrassment without any hope of a practical result. He quite concurred with his hon. and gallant Friend in the opinion that Ireland suffered to a great extent from over-taxation. If the Chancellor of the Exchequer and the Government would calmly contemplate the picture that Ireland presented at that time, they would feel that any boon they could confer upon her would be an act of charity which would be well received there, and which would commend itself also to the sympathies of a generous English Parliament. After three years of scarcity, sometimes of crops, sometimes of fuel, and sometimes of both, the poor people of Ireland were in a very reduced condition, and they had only to look to that to understand the enormous emigration now going on. There was no doubt that, under present circumstances, it was impossible for any tenant in that country who rested his dependence upon agricultural produce to prosper, and, indeed, it was a matter of doubt whether there was not an actual loss upon the mere cultivation of the land. He did not mean to say that Ireland was in a state of beggary or abject misery; but amongst the poorer classes, and he might say, perhaps among the middle classes too, those who depended upon the exchange of produce to procure ordinary necessities were reduced to very great straits. In this condition of things the taxation pressed with no common severity, and the tax which pressed the heaviest, and in respect to which they had special claims upon the Government, was the income tax. The income tax was not popular in England, but what would Englishmen say if they were asked to pay it twice over? Yet, that was the condition in which Ireland was practically placed. In illustration of his meaning, he might observe that Sir Robert Peel, in whose footsteps the Chancellor of the Exchequer followed, and not without success, when proposing the imposition of the income tax in 1842, said he did not seek to impose it upon Ireland, which had in 1798 also been exempted from its operation, because he was of opinion that there were two ways in which that country could contribute a similar amount as if she paid income tax; the one being by means of the increase of the spirit duties, the other by the increase of the duty upon stamps. The Chancellor of the Exchequer, however, since then, had not only imposed an income tax upon Ireland, but had still further increased the duty on spirits and stamps, thus causing her to pay in another shape the equivalent of a tax for which she had already compounded. He had, therefore, no hesitation in asking the right hon. Gentleman to take the subject into his consideration before he made his arrangements for the financial year, and by extending to Ireland the relief to which she was entitled, stimulate the exertions and excite the energies of a greatly depressed people.

Mr. LONGFIELD observed, that his hon. and gallant Friend had no wish that the Committee should undertake the useless task of unravelling the intricate accounts that existed before the Union, or even those which, by a sort of juggle, were made the basis of settlement afterwards. The only reason, as he understood, of the reference to those figures was, to show that the proportion fixed for the taxation of Ireland was originally unjust, and that she had therefore the greater claim to a rigid adherence to the treaty now when any stipulations were made for her benefit. Nothing could be more absurd than to go back sixty-four years to see what was the proportion of taxation between the two countries then, but if they were adjusting the proportion again, he believed that one-seventeenth would be found to be nearer the proportion Ireland ought to bear than two-seventeenths. The figures which his hon. and gallant Friend had laid before the House, however, showed clearly that Ireland was very rapidly, for her means, improving in wealth and increasing in agricultural resources, at a time when she had a population nearly double in amount that which it was at present. Despite even of the calamity with which she had been visited in 1846, her taxation was so light that she was able to a great extent to recover from the effects of a grievous famine. With 1852, however, came a new state of things. A new system was inaugurated; the result of the financial operations of the present Chancellor of the Exchequer being that, while there had been since that time a great remission of taxation in England, there had been in Ireland an increase from £4,500,000 to £7,000,000. At what cost to the industry of the country had that enormous increase taken place. One instance would show that. At one time there were over ninety distilleries at work in Ireland. Now, it was well known that grain not sufficiently ripened might be used in distilling, and it would therefore be seen how important it was to the industry of a country subject to so many bad harvests to have so large a number of distilleries at work. But, instead of ninety, there were only twenty-seven distilleries in operation now. Could it be doubted that when at one time the duty upon whisky was only 2*s.* 10*d.* the gallon, and it was now 10*s.*, that the increased taxation had nothing to do with the closing of so many distilleries? Then there was another manufacture—paper—which the Chancellor of the Exchequer lent a helping hand to destroy. Mr. Greer, one of the most extensive paper manufacturers in the south of Ireland, had, since the operation of the French Treaty—which might have been beneficial to England—been obliged to work his mills only half the time, and give only half the employment which he had done before. There was thus injury caused by unjust imposition and unwise remission of taxes since 1852. When the wealth of the country and the population of the country were decreasing, the people attributed it, perhaps unjustly, to the pressure of taxation under which they laboured. That being so, nothing could be more just and reasonable than to grant the Committee. As parties to a solemn treaty and as representing a country which of late had suffered enormously, Irish Members had a right to demand this Committee, and he was very much deceived if its labours would be such as had been represented by the noble Lord (Lord Dunkellin). There were certain green books in the right hon. Gentleman's hand which he appeared to be studying very industriously. Those books endeavoured to show, that though men were decaying, wealth was accumulating. He could assure the right hon. Gentleman anything from those books would be received at the other side of the water with very little respect. It was just as absurd to get a gentleman to write a book to prove that Ireland was prospering though her wealth and population decayed, as it was to ask learned Members of the Royal Society to write an essay to account for this—how it was that if a live salmon was put into a vessel full of water, the water would not overflow. Facts always outweigh theory, and it was felt that the recent increase of taxation in Ireland depressed its energies and diminished its resources. He trusted that much good might result to that country from the investigation into the subject which would take place before the Committee; he approved, therefore, of the gallant Colonel's Motion.

THE CHANCELLOR OF THE EXCHEQUER: Sir, Her Majesty's Government would not have felt disposed, upon their own responsibility, to recommend a Committee to inquire into the taxation of Ireland. There are practical disadvantages in the appointment of such a Committee, and this is the main one—that it tends to excite expectations which it may be found impracticable to fulfil. But it is not always by their own view of the abstract utility and expediency of a proposal that the Government must be guided. In a question of this kind the Government are bound to pay a great degree of respect to the wishes of those who, in a peculiar manner, represent the feelings of the people of Ireland; and it must also be admitted, that the very peculiar circumstances of Ireland during the last few years in respect to emigration and bad harvests, have tended to raise questions of difficulty and doubt, the solution of which is not obvious, and not unnaturally to direct men's minds to inquire whether excess of taxation could have anything to do with the distress of the country. Under these circumstances, and finding a strong desire on the part of Irish Members, who represent a similar desire on the part of the Irish people, to investigate the question of Irish taxation, I think it would not be wise, and hardly kind, if the Government were to offer any opposition. Their duty is rather to make clear the grounds upon which they accede to the proposal, and to lend to the hon. and gallant Gentleman all the assistance they can—in the first place, with respect to the formation of the Committee, and in the next place with respect to the direction of the inquiries to a right issue. It is not necessary for me to arm myself with a blue-book or pamphlet, or to inflict its contents on the House. In point of fact, the general views of the Government were declared by me last year on an occasion similar to the present. But, as so much has been said on the subject, I will detain the House with a few remarks. The hon. and gallant Gentleman does not propose a re-trial of the arrangements which were made at the time of the Act of Union with regard to their justice or propriety at that period. He proposes two subjects of inquiry—one, how far the present taxation is in accordance with the terms of the Treaty of Union; and the other, how far it is just with reference to the resources of the country. As respects the terms of the Treaty of Union, I cannot disguise my opinion that they have been kept, and more than kept. And that, I think, is very capable of demonstration. If we look back simply to matters of fact, and to the tables of revenue yielded by the two countries—Great Britain considered as one country and Ireland as another—we find that, whereas the stipulation of the Treaty of Union was, that Ireland should raise a revenue equal to 2-17ths of the gross revenue, bearing the relation to the British revenue of one to seven and a-half, the Irish revenue from the time of the Union to the expiration of the war appears to have been in the proportion of one to eleven. I do not think it rose in any one year as high as one to ten. The result was, the contribution of Ireland to the expenses of the two countries, in regard to revenue, fell short, and that led to a rapid accumulation of the debt of Ireland. I presume it was felt by Parliament that it was impossible that state of things should continue, and the consequence was, that the exchequers of the two countries were consolidated, with the general consent of Parliament—that is to say, when the exchequers were consolidated, the debts which were contracted to fulfil the separate engagements of Ireland, from 1800 to 1816, were taken over by England, and from that time forward were shared by the whole kingdom. With respect to that consolidation, I am sure the hon. Gentleman does not suppose that it was effected in a manner contrary to the terms of the Act of Union—because it was, in the first place, made in a way favourable to Ireland; and, in the second place, it was distinctly provided by the Act of Union that its arrangements with regard to taxation might be revised and considered. That may be one reason why we are justified in acceding to the present proposal; and in referring this matter, which can hardly be elucidated thoroughly by discussion in the Whole House, to a Committee, where a conclusion can be arrived at by an impartial tribunal, which may, at any rate, settle and compose the minds of persons in this country or in Ireland, if at present disturbed on this subject. I will just refer to a Return moved for by the hon. Baronet the Member for Dublin (Sir Edward Grogan), and presented in July of last year. I believe every syllable in it to be correct, but I have never seen a Return more calculated to deceive those who draw what appear the natural deductions from it. The Return gives the relative populations of Ireland and Great Britain, and also the gross revenue of the two countries. The Return also shows that Ireland contributes less than 2-17ths of the gross revenue specified by the Act of Union, though the hon. and gallant Member has made a calculation that Ireland contributed more. I am not prepared to accede to the statement of the hon. and gallant Member, who, as I understood, said that a sum of £700,000 is paid in England on account of duty for sugar, which is carried to Ireland and consumed; and that that sum virtually forms part of the Irish revenue. It would, indeed, show a capacity for the consumption of that article in Ireland out of all proportion with the population if, besides the duty on sugar realized in Ireland, so much as £700,000 were paid in England as duty on sugar which was afterwards carried to Ireland and consumed there. [Colonel DUNNE said, he had made the statement on the authority of the Dublin Committee.] I prefer the evidence before the Committee in this country. According to the Return I have just alluded to, the amount of property and profits assessed to income tax in Great Britain is £301,380,730, and in Ireland £21,638,975; but I have two observations to make in reference to that calculation, and the false conclusions to which it is calculated to lead. One is that the valuation of property for the purpose of the income tax in Ireland is lower than in England as far as concerns landed property, for in England the income tax is charged on the gross rental without deductions. That is not the case in Ireland, and the basis taken for the imposition of the tax in Ireland is Sir R. Griffiths' valuation, which is notoriously very much below the gross rental. [Mr. KER: I beg your pardon.] I am not speaking of particular cases or of particular districts, but of the general principle of the valuation, which, no doubt, is below the gross valuation. That, I think, to be a source of fallacy, but the principal fallacy suggested by these Returns is, that the income tax charged on Great Britain is lower in proportion than that charged on Ireland. These, however, are all subjects which may fairly be investigated. There is one circumstance connected with the taxation of Ireland which can not fail to meet the observation of the Committee. The Committee will, of course, have to direct its attention not merely to the taxes imposed on Ireland, but to other taxes from which Ireland is exempted. You can scarcely find any tax incident on the labouring population, of which Ireland did not bear its full proportion, while of very considerable exemptions nearly the whole are so adjusted as to bear very lightly on property. That is a peculiar state of things. It is possible that the Committee may direct its attention to the adjustment of these taxes in Ireland as well as to the gross amount as compared with English taxation. But these are points upon which I will not venture to give an opinion. I am inclined to agree with the hon. Member for Dublin that it will be extremely difficult, and that it will be a disadvantage to all parties if we were to break up the system of uniform charges that now prevails on consumable commodities. With regard to the composition of the Committee, I hope that as the hon. and gallant Member and myself have advanced so far in harmony there will be no difference of opinion, and I think we ought to endeavour to give weight to it by a careful selection of members. With respect to the proportion of British and Irish Members we must feel that an undue preponderance of any particular element will be objectionable. Fortunately we have a precedent in the Committee that sat during the Liverpool administration on the subject. If it is to consist of fifteen, then there may be seven Irish members and eight British; or if twenty-one, then ten Irish and eleven British. I hope no sanguine expectation likely to lead to disappointment will be indulged in on the subject. As regarded the distress of Ireland, I deplore it. Whether the cause of it be taxation, or emigration, or those deficient harvests which beyond doubt have caused an enormous loss to the country, I trust that the day of that distress may be near its close, and that in future the career of Ireland may be one of happiness and prosperity.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Ordered,

That a Select Committee be appointed, to consider the Taxation of Ireland, and how far it is in accordance with the provisions of the Treaty of Union, or just in reference to the resources of the Country.—(*Colonel Dunne.*)

And on Tuesday, March 8, Committee *nominated* as follows:—

Colonel Dunne, Sir Edward Grogan, Sir Frederick Heygate, Mr. Longfield, Mr. Hennessy, Mr. Monsell, Lord John Browne, The O'Conor Don, Lord Stanley, Sir Stafford Northcote, Mr. Howes, Mr. Finlay, Sir Robert Peel, and Mr. Lowe:—Power to send for persons, papers, and records; Five to be the quorum.

And, on March 9, Mr. Hankey *added.*

UNITED STATES—ISLAND OF SAN JUAN.

OBSERVATIONS.

Mr. HALIBURTON said, he had been requested by the hon. Under Secretary of State for Foreign Affairs to postpone a question of which he had given notice, as to the present state of the negotiations with the United States on the subject of their forcible possession of the Island of San Juan, on the coast of Vancouver. He had no objection to assent to the postponement, but it must not be supposed that he could accede to postponing it indefinitely.

SUPPLY.

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

MALT FOR CATTLE BILL. [Bill 37.]

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Malt may be made and used, free of Duty, in the Feeding of Animals).

Mr. BENTINCK said, that in the absence of his hon. Friend (Mr. Packe), he would propose an Amendment with the object of permitting the mixture of malt with cotton cake and rape cake.

The CHANCELLOR of the EXCHEQUER said, he could not accept the Amendment, which would be destructive of the object of the Bill. In matters of that sort they were treading on the very edge of danger, and it was requisite to be very cautious as to the materials which the Legislature allowed to be mixed with malt, or else a mixture might be produced the elements of which might again be separated and the malt which had been prepared for cattle might be used for the brewing of beer. There was no material known which could be used without danger except linseed or linseed cake. Still, other substances might be discovered in course of time which would protect the revenue as effectually as linseed, and he should, therefore, offer no opposition to the Amendment of the hon. Member near him (Mr. Caird), who proposed to allow the admixture of any such substance as might hereafter be allowed by the Commissioners of Inland Revenue.

Mr. BENTINCK said, he would not press the Amendment.

Amendment, by leave, *withdrawn.*

Amendment, to insert in line 14, after "Malt house," the words "or with such other substance as may hereafter be approved by the said Commissioners,"—(*Mr. Caird*), *agreed to.*

The object of the Amendment was to allow substances that might be found out hereafter, to be used instead of linseed if required.

Amendment *agreed to.*

Clause *agreed to.*

Clauses 2, 3, and 4 *agreed to.*

Clause 5 (Maltster to provide a secure room for grinding and mixing Malt).

The CHANCELLOR of the EXCHEQUER said, that as the clause now stood, a farmer would be required to have one room for storing his malt and another for grinding it; but he proposed to amend the clause by allowing the malt to be stored and ground in the same room.

Amendment *agreed to.*

Clause 6 (Malt to be mixed with Linseed Cake or Meal, &c.).

Sir JOHN HAY said, that the excellent beer to which they had lately been treated by the hon. Member for Derby showed that a very good beverage might be brewed from the mixture produced by the Excise officer, and he would therefore suggest that the proportion of linseed should be one-fifth, instead of one-tenth. Some years ago an addition of 5 per cent was made to the taxes generally, but the malt duty was the only impost on which it was still retained. He, therefore, gave notice that on an early day he would move that the malt tax be relieved from that addition so as to assist the Chancellor of the Exchequer in the disposal of his surplus revenue. He now moved, that in the present clause one-fifth should be substituted for one-tenth.

The CHANCELLOR of the EXCHEQUER said, he regretted that he did not see his way to improving the Bill in favour of the agriculturists; but, on the other hand, he did not wish to render it more stringent as would be the effect of the Amendment. He entirely appreciated the motive of the hon. and gallant Gentleman the Member for Wakefield, but as regarded the measure he could venture to assure him, in the opinion of the Government there was no cause for apprehension. He would not then enter into the question of the reduction of taxation, by which the hon. and gallant Member proposed to content both maltsters and farmers. With regard to the beer of which some hon. Members had had such an agreeable experience, conflicting accounts had reached him. He had heard even of contortions of visage on the part of those who had tasted the beverage, and of some having hastened to purge themselves of the effect of it, by resorting to a stronger liquor. Moreover, the linseed which had been used in that decoction had not been prepared in accordance with the conditions of the Bill. He believed that beer adulterated as he proposed could not be profitably sold.

Mr. MITFORD said, he would suggest that as the excisemen were not experts, they might have some difficulty in detecting a breach of the Act.

The CHANCELLOR of the EXCHEQUER said, he believed the officers would be quite competent for the task. In the event of their not being able to decide as to the character of the malt, they could send a sample up to the London establishment for analysis.

Mr. HUBBARD said, he should be glad to feel satisfied that no danger to the revenue would arise from the measure. He had drunk a glass of beer made with the mixture of one-tenth of linseed with the malt, and he must say the beverage was of a satisfactory character. He would not say it was the finest he had drunk out of Mr. Bass's bottles; but it was of far better character than the beer generally met with. If, therefore, the mixture would produce as good a liquor, could they doubt it would be used for that purpose? If, however, that difficulty could be overcome, the Bill would remove the great objection to the malt tax, which was that it was an impediment to industry.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Remaining clauses *agreed to.*

Sir EDWARD DERING said, he rose to move a new clause, giving permission to agriculturists to malt barley. There had been a good deal of misapprehension with regard to the effect of his clause. Its practical effect would not be to withdraw the agricultural malt house from the supervision of the excise, but simply to enable the proprietors of these malt-houses to malt their barley for the consumption of their own stock without being obliged to take out a maltster's licence. That did not appear to be an unreasonable proposition. In fact, it was only an echo of the preamble. Under the existing Act any person had a right to steep his own barley and to germinate it, without any interference on the part of the Excise. [The Chancellor of the Exchequer: No.] Many years ago, when the repeal of the malt tax was proposed by the late Marquess of Chandos, Sir Robert Peel in opposing it quoted one of the regulations of the Excise, to the effect that the practice of steeping barley in water having become prevalent, and as the revenue might be endangered by the extension of it to other purposes, it was ordered that the supervisors should ascertain the parties who carried on the practice, and their mode of disposing of the grain so steeped, but that no interruption should be given to the process except upon actual proof or well-grounded suspicion of fraud. That regulation, as far as he was aware, had not been rescinded, and so he concluded that farmers were at liberty to steep their own barley and to germinate it. [The CHANCELLOR of the EXCHEQUER: No.] But, leaving that point, what he complained of was that the right hon. Gentleman in the Bill went out of his way to impose a tax upon the farmer in the shape of a maltster's licence, merely for converting the raw produce of his fields into a food for cattle. The right hon. Gentleman had admitted that it would be desirable to enable farmers to malt their barley, but he had suggested that in all probability it would be cheaper and more convenient for them to have recourse to some neighbouring maltster. Now, in some counties, there never had existed any great number of malt houses, and since the alteration in the system of malt credits, many of them had disappeared. Consequently, if the farmer were obliged to send his barley a considerable distance for the purpose of being made into malt, the cost of carriage would be something considerable, and in many cases would, no doubt, put a stop to the business. But, even supposing there was a maltster close at hand, it must be remembered that fresh malt was quite as necessary for cattle as it was for brewers, and he doubted whether its feeding properties would not be seriously impaired, if not altogether destroyed, by a detention for weeks and months in the warehouse of the maltster. As the operation of the Bill was limited to six years, it could hardly be expected that any man would go to the heavy expense of erecting new buildings for malting. It was manifest, indeed, that if the Bill was to come into operation at all, it could only be through the working of the farmers themselves, and if impediments were to be thrown in their way, he should be disposed to say that the measure, so far from being a benefit, would be an actual disadvantage to agriculturists. He admitted that the malt licence was not of a very onerous character, but that was the strongest possible reason why it should not be imposed upon farmers. It was an admitted principle not to maintain taxes which yielded little or nothing to the revenue, and which were at the same time extremely galling to those who had to pay them. It might be said that the exemption of agriculturists might be productive of danger to the Exchequer, but he contended that there were provisions within the Bill, as well as in the existing Excise laws, which put the probability of fraud entirely out of the question. By the second clause it was provided that every person intending to make malt under the Bill should be obliged to enter into a bond with two sureties, and the officers of Inland Revenue were entitled to put in that bond such stipulations as they might think fit. Again, by the existing Excise laws every person about to commence the process of malting, must give notice to the Excise of his intention, in order that an officer might gauge the contents of what he was about to malt, and so take care that the revenue was not defrauded. The same obligation would attach to a person malting under the Bill, and he did not believe that the taking out of a licence would make the slightest difference. He might be told that the Excise did not like exemptions; but up to last year the hop-growers, though dealing in an excisable article, and though not allowed to remove a single pocket before it had been visited by the officers of Excise, were never required to take out a licence for drying their hops. Why should the same liberty not be given to the growers of barley? But, after all, he hoped that the Bill would pass into law, believing that it would be of great practical utility. Among its incidental advantages, he had no doubt that, if not clogged with restrictions, it would have the effect of leading to a reduction of the enormous prices which linseed cake and other artificial feeds now brought in the market. He was persuaded, moreover, that the recent debates must have convinced everybody that the agriculturists were fully alive to the great importance, he would not say of agitating, but of ventilating the question of the malt tax in a fair and legitimate way. He believed it was indisputable that, in a pecuniary point of view, the proposed licence tax would produce so infinitesimal a sum, that it might be considered as of no value to the revenue. He, therefore, hoped the right hon. Gentleman, as an indication of his good will towards the agricultural classes, would concede the boon asked for, and sanction the principle of the British farmer being allowed to convert the produce of his fields to the best possible advantage, without having to pay an impost in the shape of a maltster's tax. He begged to move the following clause:—

(Permission to Agriculturists to Malt Barley).—" That it shall be lawful for all persons engaged in agriculture to Malt Barley (according to the provisions of this Act) for the consumption of their own stock without taking out a maltster's licence."

The CHANCELLOR OF THE EXCHEQUER said, his hon. Friend had on that as on all other occasions, discharged his duty to his constituents with zeal and ability; but it was not in his power to concede what his hon. Friend asked, nor to carry on the Bill saddled with such a clause as he proposed. As the law at present stood, it assumed, when certain processes reached a certain length, that the intention was to make malt, and the Excise charged a duty. The question for the Revenue Department to consider was at what stage, in virtue of their powers, they should interfere. His hon. Friend was mistaken as to the point at which that interference took place. He seemed to suppose that the whole process was permitted, with the exception of a single step; but nothing was allowed to go forward under the present system except the simple steeping, and even that was watched, or upon the next step the whole germination of the barley would be arrested, and taken to indicate an intention of proceeding to a further step. His principal objection to the proposed clause was, that it would check a system of law that was uniform, recognized, and understood, in a matter of great difficulty and delicacy, and that for the sake of an advantage which was immaterial. His hon. Friend proposed to secure for the farmer this distinction—that whereas no person in any other condition of life might carry on a manufacturing process without a licence, he should be enabled to do so without making any payment to the revenue. And what did the impost, which his hon. Friend wished to remove, amount to? The greater number of farmers would pay the duty of 7*s.* 6*d.* for malting up to fifty quarters. Hardly any of them would pay beyond 15*s.*, the sum which would allow them to malt up to one hundred quarters; so that the licence duty might be taken to amount to 2*d.* per quarter. The clause was the more objectionable because it would prove the parent of a brood of similar demands. His hon. Friend said that the farmer only asked to be allowed to malt barley for his own use. But why was not the farmer allowed to brew for his own use without taking out a licence? There was a description of malt that paid no duty—malt intended for distilling; but if the maltster desired to make malt for distilling he was obliged to take out a licence. The clauses of the Bill were not numerous nor complicated, but their effects would be to bring the trade carried on under the Bill within the general scope of the Excise Acts. If they proceeded to recognize descriptions of trades that might be carried on under the supervision of the Excise, but without a licence, they must have a new set of legislative provisions for that purpose. Under these circumstances, he must oppose the introduction of the clause.

LORD ROBERT MONTAGU observed, that whenever there was a Motion of a tyrannical or oppressive character, it was sure to come from the opposite side of the House, and proceed from some ultra-liberal Member. The present instance was an example of what he meant. Now, the exciseman did not pry into farmer's houses, he only troubled maltsters. But the hon. Baronet desired that excisemen should be constantly hovering round every farm house in the kingdom, thrusting themselves in, and prying into every corner. For the exciseman must see what farmers are malting, and then watch the malt to see whether it is devoted to feeding cattle, or to other purposes. Now if there was one thing in the Bill which had an odious tendency it was this, that the inquisition of excisemen would be rather increased. The Chancellor of the Exchequer had obviated that as well as he could; the hon. Baronet was not satisfied, but desired to make it as onerous and oppressive as possible.

The hon. Baronet made a mistake in his quotation, which he rather triumphantly read from a speech of Sir Robert Peel, as if it proved his whole case. He made a confusion between steeping, germination, and malting. Every one, then as now, might steep barley. It was only when germination had begun that the exciseman might step in. The hon. Baronet spoke as an agriculturist. Doubtless he had read Liebig's works. He might, therefore, remind him of what Liebig had said. Barley in itself was not such a very superior food, but malted barley had a peculiar efficacy in promoting the feeding qualities of other food. After the barley had been steeped, when germination commenced, a chemical change took place; other combinations were made, and a new substance called Diastase came into existence, somewhat similar to that which doctors, a few years ago, had administered to dyspeptic patients—he meant Pepsine. If germination continued this substance would, in its turn, be speedily destroyed. But this was arrested by kiln drying. That was the history of malting, and the use of malted barley for feeding cattle; and the hon. Baronet would see that his quotation of words, which referred to steeping alone, did in reality not apply, and was no argument in favour of his Amendment.

MR. NEATE said, his objection to the clause was, that it gave an undue advantage to the large farmer over the small farmer, and he thought legislation should give no advantage to either one or the other. It had been said, that if they allowed the farmer to dry his hops they should allow him to dry his barley; but hops would be spoiled without drying, and barley would not.

MR. PACKE was understood to say that the Bill offered no inducement to the farmer to make his own malt for feeding purposes, and that it would be useless in its operation.

COLONEL BARTTELOT said, that after the speech of the right hon. Gentleman, who declared that he would not proceed with the Bill if the clause were carried, the hon. Baronet would do well to withdraw his proposal. It would be only fair to give the Bill a fair trial. The right hon. Gentleman, no doubt, meant well to the agriculturists; he proposed the measure in good faith, and it should be accepted for what it was worth, and in the spirit in which it was given.

MR. BENTINCK said, his noble Friend near him had laid down a great principle, in which he thoroughly agreed—namely, that liberalism and tyranny were convertible terms; he would go a step further and say that those who studied history would find that liberalism was the sister of tyranny, and the parent of anarchy. He believed that there was little in the Bill which would be satisfactory to the agriculturists, that it would cause great disappointment, and that they must indeed be thankful for small mercies if they were thankful for such a measure. The hon. Baronet said, that whatever might be the result of the Bill, the agricultural interest would not relax their efforts to obtain a repeal of the malt duty. But he feared that, for many years to come, the total repeal of that duty would not be financially possible. As far as the producer of barley was concerned, the advantage of such a remission would only extend to a small portion of the agricultural districts of this country; and he therefore hoped that the agricultural interest would unite for larger objects, regarding this as one only out of many burdens which they had to bear beyond their just proportion of taxation.

SIR MATTHEW RIDLEY observed, that the Chancellor of the Exchequer had told them that the Board of Inland Revenue would take care of the purity of the particular material to be intermixed with the malt. He should like to know whether the Board of Inland Revenue would equally guarantee, by Government seal, the admixture to be sold to the farmer. There was a possibility, that between the period of the intermixture and the sale to the consumer, that adulteration might be practised, which would create distrust in the mind of the farmer, and, probably, loss to the revenue.

THE CHANCELLOR OF THE EXCHEQUER said, as far as his opinion went, the Bill would be of some use to discourage adulteration in linseed. As far as the relations between the maltster and the man of whom he bought linseed went, the Bill would be a check; but beyond that it could not go. Any further interference would be so vexatious and so increase the cost that the dealing between the buyer and seller must be left to the ordinary regulations of trade.

LORD JOHN MANNERS said, he thought the Chancellor of the Exchequer, in introducing the Bill, ought to have explained how little benefit the farmers would derive from the measure. It appeared to be really a Bill to transfer an experiment from the Inland Revenue Department to the maltsters of England. With regard to the Amendments of the hon. Member for East Kent, he really thought it was of little importance whether it was pressed or not, or whether the Bill passed or was abandoned.

MR. HENLEY said, he would add his recommendation to the hon. Baronet to withdraw the clause. It was quite clear the farmer would not get rid of the exciseman. A few shillings for a licence was nothing, the nuisance was the exciseman. He should have thought the hon. Baronet the Member for East Kent (Sir Edward Dering) would have understood that nuisance, for the inhabitants of that part of the country had the reputation of holding peculiar views as to the revenue beyond any other part of the kingdom. But, be that as it might, our Excise laws, as the right hon. Gentleman had said, formed a very complicated mass. No one could tell what the effect of having a licence might be as to penalties. The unhappy farmer might probably be deluded into believing that if he had no licence he would have nothing to do with the Excise, and yet he might be sued for £100 penalties. The Excise department might also be forced, for its own protection, to interfere with that which hitherto they had not interfered — the steeping of barley for cattle feeding. He agreed with the noble Lord that the Bill was not of much consequence one way or other. Some people might think that they would obtain an advantage from it, and if so, let them have it; but let the Government, like the black man's legs, have all the credit of it.

SIR EDWARD DERING said, after the statement of the Chancellor of the Exchequer that, in the event of the Amendment being carried, the Bill would not be proceeded with, he would not press it to a division. He did not wish to prevent the Bill from passing through the House, and he would, therefore, withdraw his Amendment.

Amendment, by leave, *withdrawn.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next, and to be *printed.* [Bill 37.]

CONVEYANCERS, &c. (IRELAND) BILL.

[BILL 5.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Commissioners of Inland Revenue not to grant Certificates to Persons herein mentioned, except on their depositing Order from Benchers of King's Inns authorizing the same).

MR. M'MAHON said, he rose to move some Amendments of which he had given notice. The measure would make a material alteration in the law with regard to the parties who were at present entitled to practise in Ireland. As the law stood, an English conveyancer was entitled to practise in that country, but the effect of the Bill would be to prevent any person practising there who was not certificated by the King's decree in Dublin. He thought that no restriction ought to be placed on persons practising the legal profession in Ireland, and that it would be a great advantage if there were but one school of uniform law for the two countries. The effect of his Amendments would be to leave the law as it stood, and to allow an English barrister admitted in England to practise in Ireland. For that purpose he proposed to provide that all persons entitled to practise as conveyancers, special pleaders, draughtsmen in equity, or barristers in England, should be entitled to practise as such respectively in Ireland, and that all persons entitled to practise as conveyancers, special pleaders, draughtsmen in equity, or barristers in Ireland, shall be entitled to practise as such respectively in England. He hoped that the Attorney General for Ireland would agree to his Amendments, otherwise he must trouble the Committee to divide upon them.

Amendment moved to add.

At the end of Clause add — "Provided always, That all persons now or hereafter admitted to practise as barristers by one of the said four Inns of Court in England, shall be entitled to practise as barristers in Ireland; and all persons now or hereafter admitted to practise as barristers in Ireland by the said Society of King's Inn at Dublin shall be entitled to practise as barristers in England."

MR. VANCE said, he should oppose the hon. and learned Gentleman's Amendments, as they would complicate the simple object of the Bill. That object was to prevent incompetent persons from making deeds and conveyances in Ireland, by requiring certificates of qualification for the work. At present, any one could practise as a conveyancer who took out a licence, costing £6 a year, and it was found that many persons, who were wholly incompetent, took out such licences and practised.

MR. LONGFIELD said, he also opposed the Amendments, which opened up too wide a question to be dealt with incidentally in a measure of the kind before the Committee. At present, anybody who paid a tax of £8 was allowed to practise as a conveyancer in Ireland, and the Bill was designed merely to remedy the evils which naturally flowed from such a state of things.

MR. NEATE said, that as a member of the English bar, he was in favour of the principle of the Amendment, but he thought it would be better to propose it at a future time.

MR. O'HAGAN (ATTORNEY GENERAL FOR IRELAND) explained the social mischief which the Bill sought to redress, and objected to the Amendments as crude and premature. The Bars of the two countries ought to be consulted before any proposal was made for their amalgamation. However desirable it might be to assimilate the laws of England and Ireland, or to assimilate the systems of legal education in both, that was not a fitting occasion to discuss so large and important a subject. He regretted to have to oppose the Amendment.

MR. M'MAHON said, he wished to point out that the particular Amendment then before the Committee was limited in its scope. It would merely allow English barristers whose competency was admitted to practise as conveyancers and draughtsmen in Ireland.

Amendment *negatived.*

MR. O'HAGAN (ATTORNEY GENERAL FOR IRELAND) moved, to leave out in line 22 the words "at the date of the passing of this Act shall be legally acting," and insert, "on the 11th day of January, 1864, was legally qualified and acting."

MR. M'MAHON said, he should oppose the Amendment. He could only characterize it as *ex post facto* legislation.

MR. HENNESSY said, he thought the 11th of January, the date fixed for the Bill to come into operation, was too early, seeing that some of these practitioners might have practised in the mean time, and thereby render themselves liable. He suggested that the 11th of February should be substituted.

MR. O'HAGAN (ATTORNEY GENERAL FOR IRELAND) said, it was necessary to fix some day; and the latest date for taking out the certificate being the 7th of January, he had made the clause to take effect a few days afterwards.

MR. HENNESSY said, in confirmation of the opinion he had expressed, he would refer to a passage in the letter of Mr. Orpen, President of the Incorporated Law Society, which urged that the proper period for the saving clause was the 8th of February.

COLONEL DUNNE said, some alarm had been excited in the minds of country gentlemen by the announcements that persons not duly qualified would in future expose themselves to punishment by drawing formal instruments of whatever kind. He had no doubt the right hon. Gentleman would state that the Act was not intended to apply to any agent or bailiff drawing leases or agreements on behalf of holders of land.

MR. O'HAGAN (ATTORNEY GENERAL FOR IRELAND) said, there ought to be no difficulty about the meaning of the Bill. It was intended simply to apply to persons practising as conveyancers, &c., "for fee and reward," without a proper qualification. It had no reference to persons acting gratuitously.

Clause 2, amended, and *agreed to.*

Clause 3 (Penalties on Persons acting as Attorneys, &c., unless qualified as herein mentioned).

MR. M'MAHON said, he held that it was monstrous to subject persons to the penalties which it contemplated, and which were wholly without precedent. It was well known that in country districts, remote from proper legal advice, schoolmasters and others filled up bills of sales, and filed processes in the County Courts for trifling sums—6*d.* or 1*s.* Was it reasonable to inflict penalties of £20 in such cases?

MR. O'HAGAN (ATTORNEY GENERAL FOR IRELAND) said, there certainly was no precedent for the enactment in England, but the circumstances of the two countries were very different. A properly qualified Conveyancer or an Attorney was subject to many kinds of restraint and control—these unqualified practitioners to none at all. He saw no hardship in protecting those who obeyed the law, and discouraging those whose operations were against the interests of society.

Clause *agreed to.*

Remaining clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next.

COUNTY COURTS (IRELAND) BILL.

[BILL 12.] SECOND READING.

Order for Second Reading read.

MR. LONGFIELD said, that while giving his adhesion to the main principles of the Bill he could not but take exception to its phraseology. He did not like the attempt to introduce into Ireland the term "County Courts," which was utterly unknown there. He should have preferred the name of "Civil Bill Courts," as being more consistent with Irish custom, and the title of "Chairman" instead of "Judge" for the presiding officer of the court. To the measure itself he was by no means hostile, for it promised to effect a great amendment in the old system, and a fundamental change in the mode of executing civil bill decrees. He trusted that the Committee on the Bill would not be taken until after Easter, in order that full time for its consideration might be given.

Sir EDWARD GROGAN said, that while he was anxious to assist the Government in removing gross abuses, he was not prepared to go the whole length of totally remodelling these courts. It was desirable that their efficiency should not be destroyed by making them too expensive to be resorted to by the present class of suitors. He did not see, he might add, why the high sheriff should not, as in the superior courts, still remain the recognized responsible officer for execution of process under the Bill, instead of making the sub-sheriff, whom he nominated *pro tanto*, independent of him.

Mr. HENNESSY said, he wished to ask whether the Government — £44,000 having last year been voted by Parliament for the salaries of high bailiffs in England —would grant a proportionate amount out of the Consolidated Fund to meet the additional expense which would be entailed by the operation of the Bill on Ireland?

Mr. M'MAHON urged the expediency of introducing into the Bill some provision under which persons who, without any grounds of defence, appeared to a suit, should be subjected to pay the costs, and needless litigation for trifling sums thus discouraged.

Mr. O'HAGAN (Attorney General for Ireland) said, that with regard to the suggestions which had been made, he had no objection to postpone the Committee of the Bill until after Easter. In making the sub-sheriff an officer of the courts, acting entirely on his own responsibility, the Government had simply in view the expediency of relieving the high sheriff from the additional burden which the Bill would cast upon him. No further expense would, he might observe, in reality be thrown upon the parties to a suit with reference to the execution of decrees under the Bill, inasmuch as the relief which it would afford would be greater than the burdens which it would impose.

Bill read 2°, and *committed* for *Friday* next.

KERTCH PRIZE MONEY.—RETURN MOVED FOR.

Sir JOHN HAY said, he rose to move "for a Return of the names of the Flag Officers to whom the Kertch Grant has been distributed, with the proportions in which they share." It would be in the recollection of hon. Members, that in two previous Sessions of Parliament, application had been made in vain for the payment of prize money which had been due for nine years to the captors of Kertch and Yenikale, and that eventually the Government consented, in lieu of that money, to give those captors a sum of £85,000, which amount was granted by the House of Commons. The Queen's Warrant was quite explicit. It said that the sum of £85,925 was to be distributed in lieu of prize—not as prize—to the officers and men comprising the conjoint expedition of the naval and land forces, three-fourths to go to the naval and one-fourth to the land forces. It was true it said that the distribution was to be made "according to the rules of our naval service." [Lord Clarence Paget: Hear, hear!] But the two cases were very different. In the distribution of prize the rule was that a certain portion of the prize money should be set aside as what was called "the flag share." But that was not the case in the distribution of money granted in lieu of prize. There were present at the capture of Kertch one general officer—Sir George Brown—and two admirals—Lord Lyons and Sir Houston Stewart—and if it were possible that any officer not present was entitled to a share it was Lord Raglan, the Commander-in-Chief, who had instigated the expedition. And yet the General's share of the one-fourth which had been apportioned by Her Majesty's Warrant for distribution among the army was given, not to Lord Raglan, but to Sir George Brown. But a dispute arose as to the distribution of the flag share, and for a case of that kind provision had been made, for it had been laid down in the Queen's Warrant, that any doubts which might arise as to the distribution of the naval prize should be determined by Her Majesty's Commissioners, including the Lord High Admiral, or by such persons as they might think fit. Had the whole sum of £150,000 been shared as prize money, not only the Commander-in-Chief but Lord Lyons and the other admirals in the Mediterranean—Admiral Boxer, Sir Frederick Grey, and Sir Montagu Stopford—would have been entitled to a share. But it seemed to him impolitic that three officers holding high positions in the navy should step in to claim a portion of the sum which had been granted by that House to the captors of Kertch, and to the captors alone, upon the recommendation of the Crown, and to which, he contended, others had a right. Claims were put in on the part of the heirs of Admiral Boxer, who was at Balaclava, on the part of Sir Frederick Grey, who was at Constantinople, and Sir Montagu Stopford, who was at Malta; and Sir Frederick Grey, as a Lord of the Admiralty, in this way became a judge in his own case, though probably he abstained from attending the Board at which the decision was given. The House made a grant for the capture of St. Jean d'Acre, which was taken by a joint expedition of land and sea forces. Sir John Louis was an admiral in the Mediterranean, and had commanded the fleet shortly before the arrival of Admiral Sir Robert Stopford, before the commencement of hostilities, but had subsequently proceeded to Malta. No part of the grant of the House, however, was paid to him, but to Sir Robert Stopford, who commanded at Acre, and no claim was set up by Sir John Louis. That was a case which was an exact precedent, except that there was no declaration of war at that time, and that precedent was entirely against the rule of the Admiralty to which he now took exception. On two former occasions it was decided, when similar grants were made in conjoint expeditions, that it was only those who were present at the capture that were entitled to a share as captors. When Lord Duncan was in command of the fleet in the North Sea, he projected a small expedition to the coast of Holland, but he was not held entitled to what might have been his share because it was a conjoint expedition. In the case of "Lord Nelson *v.* Tucker," a similar judgment was given in the Court of Queen's Bench. He thought it probable that the noble Lord the Secretary to the Admiralty would not object to the production of the papers, and then, if it seemed necessary, he (Sir John Hay) could afterwards found a Motion upon them. He hoped his noble Friend would call the attention of the Admiralty to the necessity of having some higher decision on the subject than that of a branch of Somerset House. He begged to move for the Return.

LORD CLARENCE PAGET said, he was not aware that the gallant Officer was going so much into detail on a Motion for a Return of the names of certain officers, and he was not, therefore, prepared to go fully into the argument. But with regard to Sir Frederick Grey, as one of those to whom the gallant Officer's objection applied, he could assure him that the decision was come to by the Duke of Somerset after full consideration, and without any leaning towards one flag more than another. The only object of the Duke of Somerset was to do justice and to decide according to the rules of the service. The only distinction between this case and that to which the gallant Officer had alluded was, that there was a proclamation of war at the beginning of the Russian war, and that provision was made in it for a certain distribution of prize money, so that it might be shared according to the rules of the service. They had that proclamation, therefore, as a guide. That House voted the money, but it was to be distributed according to the Queen's Warrant. In that document it was distinctly stated, that the money was to be distributed "according to the rules of our naval service, and in accordance with our proclamation of March 29, 1854." He (Lord Clarence Paget) could not see how the Duke of Somerset could have decided in any other way. The matter was not one upon which a legal opinion was required. It was quite true that not only some admirals, but he believed Lord Lyons himself, wished the matter should be referred to legal authority, and it was referred by the Admiralty to their legal adviser, the Solicitor of the Admiralty, although that branch of the department which constantly dealt with matters of prize had no doubt that the money should be distributed according to the Warrant and the Queen's proclamation at the commencement of the war. The case of the Acre grant was made as a testimony to the gallantry of the men engaged. [SIR JOHN HAY: In lieu of stores captured.] He believed that was the case, but we were not then at war, and that made a material distinction. Much as he agreed that in all these expeditions those who were engaged should receive the benefit of grants made, still there were certain usages in the navy from which if they were to depart and merely take a sentimental view of these matters, to suit the circumstances of the moment, they might get into great difficulty. As to the Motion, he had no objection to its being agreed to.

SIR JOHN PAKINGTON said, he had no wish whatever in the matter, except that justice should be done. He must express his opinion that the noble Lord had not answered the points raised by his hon. and gallant Friend. The decision of the Admiralty, as to the distribution of the prize money, had been disputed. He might state, that his hon. and gallant Friend had submitted to him the opinion of a very eminent lawyer upon the question. He had read that opinion very carefully, and it appeared to him that he had arrived at that decision on very strong grounds. He had also read the Queen's Warrant; and it seemed to him that the merits of the question really turned on how far, when the army and navy acted together, the naval forces in that case were taken out of the usual prize laws of the navy. [Sir JOHN HAY: Hear, hear!] Secondly, it turned upon the terms of the Queen's Warrant. He had no doubt that, upon the face of the Queen's Warrant, the final decision in case of dispute rested with the Board of Admiralty; but he was sure that the noble Lord would not deny that the Board of Admiralty, having that responsibility thrown upon them, were bound to arrive at their decision justly and righteously. He would rather like to know more fully what were the grounds upon which the Board of Admiralty had acted. He feared, from what the noble Lord had said, that the Admiralty had referred the question to what was called "the branch" (a term better understood within the Admiralty than out of doors), one of the numerous departments of the Board, and that the branch had referred it to their solicitor. He thought that in a matter of this sort, where the rights and interests of very eminent officers were concerned, and the real merits of the case were disputed, the Board of Admiralty ought not to have been contented with a reference merely to the "branch" or their solicitor, but should have taken the opinion of the Law Officers of the Crown. In his view of the matter they would have acted with much greater prudence and justice, and he thought they were bound to take that course.

Motion *agreed to.*

Return *ordered,*

"Of the names of the Flag Officers to whom the Kertch Grant has been distributed, with the proportions in which they share." — (*Sir John Hay.*)

DOCKYARDS.—NOMINATION OF COMMITTEE.

Select Committee *nominated,*

SIR FRANCIS BARING, Sir JOHN PAKINGTON, Mr. STANSFELD, Sir JOHN HAY, Mr. BAXTER, Mr. LAIRD, Sir MORTON PETO, Mr. GEORGE BENTINCK, Sir JOSEPH PAXTON, Mr. CORRY, and Mr. CHARLES BERKELEY:—Power to send for persons, papers, and records; Five to be the quorum.

SIR JOHN PAKINGTON said, that his noble Friend had done him the honour to ask him to be a Member of the Committee, and if he could be of any use he would willingly give his service; but, at the same time, he could not consent to remain a Member of that Committee without expressing his regret that the Board of Admiralty had thought it proper to appoint a Committee at all upon the subject. The question of the dockyards was one which the Admiralty itself was quite competent to deal with, and could have taken into their own hands with the hope of a better result than by delegating it to a Committee. He did not quite understand what was the real scope of the inquiry, because the terms of the Motion were somewhat peculiar. The terms of the Motion were, to inquire into the state of the dockyards in England, and especially into some questions connected with Portsmouth. Now, he wanted to know why that special reference was made to Portsmouth, and in what respect were the inquiries to be directed more to Portsmouth than to any other portion of the dockyards. Then there was another point which he wished to suggest to his noble Friend. It had been suggested that it was hardly consistent with courtesy to put one Member for Portsmouth on the Committee without adding the other Member to it, and that objection was now met by the proposed nomination of Sir James Elphinstone; but, considering that this question, of great public importance, might very much turn on the interests, in a narrow sense, of the town of Portsmouth, he could not help throwing out a suggestion, whether it was desirable that any Member for Portsmouth should be on the Committee? His noble Friend told him, in the first place, that he would make it a small Committee, consisting of nine members. His own opinion was, that the inquiry would be much better conducted by such a Committee than by one of fifteen members. That, however, was a question entirely in the hands of the Government.

LORD CLARENCE PAGET said, that the observations just made showed how difficult it was to meet the views of all Members of that House, though it was the desire of the Government to consult the convenience and wishes of hon. Gentlemen.

As the right hon. Baronet had called in question the propriety of appointing a Committee, he would remind the House, that last year on the question arising respecting the enlargement of Portsmouth dockyard, several hon. Members observing that it was a matter of great importance, suggested the appointment of a Committee, and the Committee was appointed in deference to the opinions of hon. Members interested in the subject. It was very reasonable to ask for a Committee upon so important a scheme, that the details might be carefully examined, and he accordingly promised last year to nominate a Committee on the meeting of Parliament. It was natural that Members for Ireland should think that in making so great an improvement in the dockyards in England there was a port in the South of Ireland which might be advantageously adapted to the same purpose. He thought it fair that they should be represented on the Committee, and that the Committee should have the opportunity of recommending any modification of the proposal, or any other proposal connected with the subject, which might suggest itself as worthy the consideration of the House. He did not wish to confine the Committee altogether to Portsmouth, because he thought it quite possible, that if the Committee suggested the construction of a great basin at Portsmouth, they might also suggest some modification of the proposed basin and dock accommodation at Chatham. The Committee could examine the Government engineers, civil engineers, and the naval authorities, and give that careful and detailed consideration to the subject which one so vast and so important required; and which could not be dealt with in a debate in the House of Commons. With regard to the composition of the Committee, he certainly did think that a Committee of nine would be more compact and perhaps better able to carry on the business. But hon. Gentlemen from the South of Ireland pressed strongly to have their views represented. He had chosen the right hon. Member for Tyrone (Mr. Corry), as one perfectly acquainted with the subject and interested in the sister country, but the Irish Members desired very much to have one of their number intimately connected with the South of Ireland. Then, again, with regard to the Members for the place, the right hon. Gentleman the Member for Portsmouth (Sir Francis Baring), who sat behind him, would have willingly given up his seat, but he did not wish him to do so; and the other hon. Member for Portsmouth thought, that as the interests of the borough would be affected by questions of stopping ways and altering approaches from the sea, he ought to be present to watch over the interests of his constituents. He likewise proposed the addition of two hon. Members of independent judgment, whose names would be a guarantee to the House that they would watch over the proposed expenditure with very jealous eyes. It was under these circumstances that he had proposed to extend the number of the Committee.

SIR STAFFORD NORTHCOTE observed, that what occurred had confirmed him in the conviction that the House ought to pause before they adopted the proposal before them. He quite agreed that it was very important that such a Committee should be watched by hon. Members desiring to control the expenditure which was to be incurred, because the expenditure on dockyards was a very serious item in the Estimates. He wished to put it to the noble Lord at the head of the Government, whether experience had not shown that a Select Committee was not the most economical tribunal which they could select. Generally speaking, a Select Committee entered upon inquiry with their minds directed to the importance of the object to be attained, and thinking very little of the expense. They were not under the control of the financial Members of the Government, and they usually recommended measures the reverse of economical. The question to be discussed was not only dock accommodation at Portsmouth, but elsewhere; and, when conflicting interests were represented, there was a natural tendency of human nature, however excellent, to end in a kind of agreement, "I will recommend your dockyard if you will recommend mine." He did not mean to say that the names on the Committee were the names of Gentlemen likely to fall into that course. But if that were done now claims for other places would come in, and they would get into the habit of delegating some of the most important functions of the executive Government to Committees. He thought that constitutionally that was very dangerous and likely to lead to very great evils. He felt so strongly on the subject that he suggested the matter should, at all events, stand over till Monday for re-consideration, being inclined himself to recommend the noble Lord to withdraw it altogether.

Viscount PALMERSTON: I think the right hon. Baronet who spoke before the hon. Baronet placed the matter on erroneous grounds. First of all, the House has determined that there shall be a Committee. That question is not under consideration. The only question is, of whom shall the Committee consist? It is said that matters of this sort ought not to be referred to a Committee of the House, but ought to be determined by the executive Government. That assumes that a Committee of this House has to determine what is to be done. But that is not all the functions of a Committee of this House. A Committee is appointed to investigate considerations which may lead either to doing or not doing anything. With regard to the dockyards, the Committee is objected to on the ground of economy. I do not think economy is the ruling and leading principle to be taken into consideration. The ruling and guiding principle is the advantage of the public service. The question is, not how cheap you can do anything, but whether it is of importance to the interests of the country that there should be dock accommodation at Portsmouth, Chatham, or Cork, or anywhere else. There seems here to arise considerations which must turn on matters of considerable detail, and to sift which, in the first instance, it is of importance a Committee should be appointed. The Committee will take evidence and make recommendations. Those recommendations are to be considered by the executive Government, and the executive Government, upon their own responsibility, will make thereupon such proposals to this House as they may think fit. The House then has the responsibility of the executive Government in determining what proposals shall be made, and they will have the advantage of the previous investigations of the Committee, who will have better information of the grounds upon which the decision is to be taken than can be found in a debate upon the Navy Estimates. Therefore, it seems to me that the course pursued is really the best course to enable the House to come to an ultimate decision, because, although the discretion of making the proposal rests with the Government, the final decision of that proposal—the Vote of money to carry it into effect—must rest with this House, and the House will be better able to come to a decision upon a clear understanding of the facts by a previous investigation, than it would by any statement of a department. It is said that Committees will be appointed of persons who will say, "You recommend my dockyard and I will recommend yours"—a sort of bargain of jobs; but that is not the function of a Committee, nor is it that which the Members of this Committee will perform. Several questions will arise before the Committee—one of the public advantage and another of the local convenience or inconvenience; and it is quite fair, therefore, that the Members for the different places concerned should be there to represent the opinions of their constituents, and to say what are their local interests as contrasted with the interests of the public. Both parties should be represented, and I think, therefore, that my noble Friend has done quite right in putting the hon. and gallant Member for Portsmouth on this Committee. The Government will then afterwards have to consider, whether the local injury is sufficient to counterbalance the public advantage. The House has already determined to appoint a Committee, and the only question to be decided is, whether the persons selected are those fittest to serve on it.

House adjourned at a quarter
before Twelve o'clock.

HOUSE OF LORDS,

Monday, February 29, 1864.

MINUTES.]—Select Committee—On Railway Schemes (Metropolis)—Report *presented.* [No. 10]

Public Bills—*Second Reading*—Insane Prisoners' Act Amendment Bill [No. 14].

AUGMENTATION OF BENEFICES ACT.

QUESTION.

The Earl of DERBY said, he wished to ask the noble and learned Lord on the Woolsack a question with reference to his explanation, given a few days ago, of the results of the Act for the Augmentation of the Livings in the gift of the Lord Chancellor, and with reference to which there appeared to be some misapprehension out of doors. Several of the newspapers stated, that the Act would place a very large sum of money at the disposal of the Ecclesiastical Commissioners. Now he (the Earl of Derby) was well aware, as was the noble and learned Lord, that this was not the case; but if it were supposed to be so it would occasion misapprehension and considerable dissatisfaction if it were believed that the sums of money in the hands of the Commissioners were not to be appropriated to the augmentation of small livings. He thought he was not mistaken in saying, that the Commissioners had nothing further to do than to receive the money and apply the interest to the augmentation of the livings of the sale of which it was the produce. There was another portion of the Act providing for the sale of other benefices the income derived from which would not be applied to the augmentation of those livings, but to the augmentation of the other livings retained in the gift of the Lord Chancellor. In point of fact, the Commissioners exercised no jurisdiction or authority over any portion of the funds derived from these benefices.

The **LORD CHANCELLOR** said, that the noble Earl had correctly apprehended the Act and stated its effect. The monies receivable under it were divisible into two classes, one of which was applicable to the augmentation of the livings, from the sale of which it was derived, and the other portion, derivable from the sale of a hundred livings not specified, which might be sold to landowners upon defined terms, and the produce of which was to be applied to the augmentation of livings retained in the patronage of the Lord Chancellor. Of the money arising from the sale of livings which was applicable to their augmentation, the first moiety was certainly paid over to the Ecclesiastical Commissioners, but upon these terms, that they should grant to the incumbent a life annuity at the rate of £3 10*s*. per cent for every £100 so paid over. The other moiety was suspended, and directed to be accumulated until the avoidance of the living; and the Ecclesiastical Commissioners, who had offered every facility for the working of the Act, had kindly consented to take charge of the accumulation and of the investing of the interest of this second moiety. With regard to the first moiety, they paid an annuity in return for it; and with regard to the second, they were merely trustees for the accumulation of the capital and interest. The money derived from the sale of the hundred livings would not go into the hands of the Ecclesiastical Commissioners at all, unless he (the Lord Chancellor) requested them to take charge of it, and in that case they would take charge of it merely as trustees.

THE CONSPIRACY AGAINST THE EMPEROR OF THE FRENCH.

QUESTION.

The Marquess of **WESTMEATH** said, he wished to ask the noble Earl at the head of the Foreign Office a Question, of which he had not given him notice. The public were perfectly well acquainted with the evidence which had been given in the recent trial of the conspirators against the life of the Emperor of the French in Paris, and there could be but one feeling, that if Signor Mazzini or any else in this country had, either by the receipt or despatch of letters, or in any other way aided or encouraged the conspiracy, they had been guilty of a most detestable action. There was, probably, no legal evidence of any such participation; but if there was moral evidence of it, and if a moral conviction was produced upon the mind of the Government, that either Mazzini or any one else in this country had been so engaged, he hoped that they would take up the matter by anticipation, and without waiting for any representations upon the subject, either by means of the powers which were given to them under the Alien Act, or by any others which they might possess, show to the world that such things would not be allowed to continue or to be repeated in this country. The Question he wished to ask was, Whether the Government, in the event of the powers of the Alien Act not being sufficient to enable them to deal effectually with the matter, would take it into their mature consideration, with the view of warding off from this country the suspicion of being mixed up in acts which must be repudiated by all honourable and honest men?

Earl **RUSSELL**: I quite agree with the noble Marquess that any persons conspiring for the purposes of assassination are guilty of a detestable crime; but I have no right to say that Signor Mazzini, or any other person living in this country, is guilty of that crime. I have no such evidence, and no such powers are invested in the Executive under the Alien Act as the noble Marquess supposes. I can only answer that I am not going to take any steps in the matter.

The Marquess of **WESTMEATH** was aware that there was no legal evidence which could be acted upon, but had hoped that the Government, acting on the moral evidence to which he had alluded, might have been able to take up the matter by anticipation.

RAILWAY SCHEMES (METROPOLIS).

REPORT OF SELECT COMMITTEE.

Earl GRANVILLE *presented* a Report from the Select Committee on Railway Schemes (Metropolis). The noble Earl said he would take the opportunity of testifying to their Lordships, that the Committee had paid great attention to the subject, and had worked most harmoniously. There had been differences of opinion on one point of the recommendation only, and in the division on that point there were two Peers and two Commoners on each side; one Peer and one Commoner on each side were Conservatives, and one Peer and one Commoner on each side were Liberals.

Report to be *printed;* Minutes of Evidence, together with an Appendix, laid upon the Table, and to be *delivered out.* (No. 10.)

INSANE PRISONERS ACT AMENDMENT BILL.—[No. 14.]

Order of the Day for the Second Reading read.

Earl GRANVILLE, in moving the second reading of this Bill, said, the measure had been introduced in order to correct an evil which, he believed, was very generally admitted. By the existing law, which was based on an act of her present Majesty, it was provided, that where two justices of the peace and two medical men signed a certificate as to the insanity of a prisoner, it should be obligatory on the Secretary of State for the time being, to remove that prisoner to a lunatic asylum. There was no desire to take the responsibility with regard to the certificate from the local authorities; on the contrary, it was of advantage that the persons on whom the duty devolved, should be persons who were likely to make themselves well informed upon every case brought under their notice. It was, therefore, proposed by the Bill still to require the certificate to be signed by two medical men, but such medical men were to be appointed by the visiting justices, and their certificate was not to be binding upon the Secretary of State. This was the essence of the Bill, but if any further information were required, he should be happy to afford it.

Moved, "That the Bill be now read 2^a."

Lord ST. LEONARDS said, he wished to call their Lordships' attention to the causes which had led to the introduction of the Bill. In doing so, he had no desire to find fault with the Government for the steps they had taken in the matter, but he always, he must say, regarded it as undesirable to endeavour by legislation to provide a remedy for a mischief immediately after the occurrence of any event which led to the prevalence of excitement with respect to it. The occasion of the present measure was the well-known case of the convict Townley, a man who, for twenty-five years, had lived in a free country, under the protection of the laws, who admitted that he believed in God, that he thought the woman whom he murdered was in heaven, and who, when the body of his victim was taken to the house of her grandfather, seemed to have the consciousness of a man who had committed the deepest crime. It was very important to bear in mind the character of the man, in order to see how all this difficulty had arisen, which by this Bill they would prevent ever again taking place. All through his life he had never shown the slightest token of insanity. He was rather amiable in manners, was liked in society, had won the regards of the lady whom he murdered, unknown to her grandfather, and was never supposed to be a person of evil passions. He was accomplished, possessed a knowledge of French, and was an excellent musician. He wrote a very sensible letter to the young lady. His family had never suspected him of mental unsoundness; and it was by their advice that he sought the fatal interview with his victim. It was, therefore, quite evident that they regarded him as utterly incapable of committing the crime of which he was found guilty. Upon the trial there was not, and could not be, any doubt that he was responsible according to the well settled law of England, which had never been more accurately and soundly laid down, than by the learned Judge who presided at the trial, and the jury brought in the only verdict they could have brought in, that of guilty. The only evidence of insanity was that of the surgeon of the gaol and that of Dr. Forbes Winslow. The evidence of the gaol surgeon was hardly worth mentioning, for it appeared by the entries in the prison books that he regarded the prisoner as sound both in mind and body. As to Dr. Forbes Winslow, he had no disrespect for him, but he had disrespect for the opinions which Dr. Forbes Winslow entertained, and he believed that such opinions were not only not well founded in law, but opposed to all law and justice. If anything could unsettle men's minds, and predispose them to commit crimes, it was such a defence as had been set up in this case. The criminal in his examination stated, that he could not resist the impulse he was under to take this young lady's life. The doctrine of impulse was a perfect absurdity, and if allowed to prevail must give escape to the deepest dyed criminals. Equally absurd was the deduction that the performance of an abominable act of itself indicated insanity. As to delusions, there were no delusions at all. Townley said there was a conspiracy, and so there was in the sense in which he meant it—a combination among the lady's friends to take every means in their power to prevent the marriage. He said himself there never was any conspiracy or combination except to take her away from him. Again, it was argued that the offence was not premeditated, but all the evidence tended to show that there was no foundation for such a statement, and all the facts appeared to prove that the deed was a most cold-blooded murder. Then it was said he entertained opinions which no sane human being ever did entertain—namely, that he had the sole command over himself and his own actions; that he could commit any action without being called to account; and that, as he had not assisted to bring himself into the world, he was not bound by the laws of the country. It was a singular thing that he had never communicated any of those opinions to a human being before the murder. His father said they came upon him by surprize, and he said himself he had never communicated them to his father. But why? Because he never entertained them, and it was an afterthought to profess them in order to save his life. It had been said that there had been no premeditation, but all the facts of the case showed that it was a premeditated and cold-blooded murder. If Townley had not lived in a respectable circle the case would never have assumed such a magnitude. Within the last two or three years several similar cases had occurred without exciting any particular amount of public attention. For instance, they not unfrequently read of a man in humble circumstances of life, after "keeping company" with a girl as it was called, when the girl no longer desired to continue the courtship, going to her father's house, asking to see her, and urging her to accept his attentions, and when she refused, shooting her dead without any ceremony. Or sometimes even when a man had never been accepted as a suitor and his addresses had been refused, he would make up his mind that if he could not have the woman nobody else should, and would put her to death. Or sometimes the parties had been cohabiting together and the woman left the man. Finding that he was less comfortable without her, he had gone to persuade her to resume cohabitation; and, on her refusal to return to him, has murdered her. These cases had been disposed of by the courts of justice, without attracting the least attention. These examples would certainly spread, if some means were not taken to check the evil. Brutal men would get to suppose that a woman was their property, as Townley did, and would think themselves at liberty to sacrifice her if she wished to break off all connection. If Townley had been left in the asylum he would have experienced much greater punishment than in penal servitude. It was hardly fair to the other criminals to place such a man among them, and probably few of the common run of criminals would like to approach a man who had committed such a crime, and who considered himself entitled to avenge his fancied injuries as he pleased. The statute to which the noble Earl had referred enacted, that when two magistrates and two medical men certified that a prisoner was insane, the Secretary of State should issue his warrant for his removal to a lunatic asylum. Nothing could be further from his thoughts than to say a word against the Secretary of State, who was as competent as any man to form a judgment on these matters, and he was sure that the right hon. Gentleman had been actuated throughout by the most conscientious desire to discharge the difficult and painful duties of his office. He (Lord St. Leonards) did not take upon himself to say that the right hon. Gentleman was wrong in the course he had taken with regard to Townley. It was said indeed, that the Act under which he had respited Townley was imperative, but he (Lord St. Leonards) very much doubted it. It seemed to him that the object of the statute was to prevent the discharge of a prisoner who had become insane until he had recovered; but in this case Townley had never been insane at all. What had occurred was simply a trial of skill on the part of the prisoner's solicitor to throw over his client the protection of the certificate of insanity, and the warrant of the Secretary of State for his removal to an asylum—an object in which he had proved perfectly successful. He (Lord St. Leonards) could hardly conceive any case like that of Townley occurring again. It was a case of representation of insanity throughout, but there was no real foundation for supposing him insane. In ordinary cases in which a commutation took place, the prisoner had been properly convicted, but had afterwards been certified as insane and transferred to an asylum. In these cases, if the person recovered from his insanity while in the asylum, it had not been thought proper to send him to execution. But this was not Townley's case. Townley had never been insane at all; he had never been a fit subject for transfer from the gaol to a lunatic asylum, and therefore the same reason for not carrying out the capital sentence did not exist in regard to him. Was the case of Townley to be considered a precedent? If so, there could be very little doubt that the Secretary of State would have many such cases to deal with. When the magistrates spoke of money in connection with the commutation of the sentence on Townley, they did not mean to say that there had been bribery. What they meant was that, in respect to such proceedings as were taken by Townley's friends, a convict with money had a very great advantage over a poor one who had neither money nor friends. As the law stood, if the medical men and the justices sent a certificate of insanity to the Home Secretary, the right hon. Gentleman considered himself bound to act upon it. By the Bill before their Lordships, it was proposed to remedy that state of things and give the Secretary of State a discretion. If the Bill passed he might, on receipt of the certificate, either send his warrant for removal or withhold it. So far the Bill was good. But what he conceived to be a defect in the Bill was, that it did not state what was to be done with the prisoner if the Secretary of State decided on withholding his warrant. Was he to be executed, or was he to be kept in gaol? He would suggest that an Amendment should be made in Committee to meet this defect.

Lord WODEHOUSE said, he did not intend to enter into the particular case of Townley, but he wished to say a few words as to the machinery of the Bill. The noble and learned Lord had pointed out that there might be inconvenience from the wording of the Bill, if the Secretary of State did not think proper to act on the certificate of the justices. Now he (Lord Wodehouse) thought it exceedingly doubtful whether the machinery of the visiting justices ought to be employed in the case of a prisoner sentenced to death. In other cases that might be a very useful machinery. If a prisoner were thought insane, it was natural that the visiting justices should consult the surgeon or physician, and then upon their report the prisoner be sent to a lunatic asylum; because, supposing it to be afterwards discovered that a mistake had been committed, it was easy to send the man back to prison. But if, where a man was under sentence of death, the visiting justices put in motion the machinery of the Bill, two gentlemen among them might possibly be found who did not possess all the discretion and all the knowledge which were necessary in so grave a case. Again, though surgeons of gaols were, as a rule, very competent men, some might have a particular theory on the subject of lunacy, and might thus be disqualified from pronouncing a reliable opinion. It was true that the Secretary of State, if he thought fit, might throw overboard the recommendation of the visiting justices; but if the responsibility in these cases rested, as it should rest, directly with the Secretary of State, it was far better that he should order the inquiry to be made by the best qualified persons whom he could select, and upon the report of these persons should decide whether the prisoner ought to be executed or not. On this point he would suggest that the machinery of the Bill might be made simpler and more satisfactory, so that the Secretary of State might be relieved from the invidious duty of saying that the visiting justices and the surgeon were not persons he could trust.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Tuesday*, the 8th of *March.*

House adjourned at a quarter past
Six o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 29, 1864.

MINUTES.]—Select Committee—On Poor Relief, Mr. Buller *added;* on Dockyards, Mr. Leatham, Mr. Lawson, Sir James Elphinstone, and Mr. Hennessy, *added;* Railway Schemes (Metropolis) (No. 87).

SUPPLY—*considered in Committee*—NAVY ESTIMATES.
PUBLIC BILLS—*First Reading*—Bills of Exchange and Promissory Notes (Ireland)* [Bill 38].
Committee—Vestry Cess Abolition [Bill 15].
Report—Vestry Cess Abolition [Bill 15].
Considered as amended—Malt for Cattle* [Bill 37]; Conveyancers, &c. (Ireland)* [Bill 5].

LANDS CLAUSES ACT.—QUESTION.

MR. ALCOCK said, he wished to ask the President of the Board of Trade, Whether he proposes during this Session to amend the eighty-fifth Clause of the Lands Clauses Act, which enables Railway Companies to obtain compulsory possession of Land under order of Magistrates?

MR. MILNER GIBSON: Sir, in reply, I have to state that the Government have no intention of passing a Bill to amend the eighty-fifth Clause to which the hon. Gentleman refers.

LAW OF SETTLEMENT.

QUESTION.

MR. ALCOCK said, he also wished to ask the President of the Poor Law Board, Whether he has any intention of proposing an alteration in the Law of Settlement, so as to prevent a recurrence of the case which lately occurred in the deportation of a pauper (William Adey), who, having passed sixty-seven years in Guernsey as a respectable labouring man, being worn out and unable to maintain himself, was taken out of the hospital of the parish of St. Peter le Port, and sent to the Union of Christchurch (the place of his birth), at the age of seventy-seven?

MR. C. P. VILLIERS said, in reply, that the Poor Law Department had no jurisdiction over the poor in the island of Guernsey, and that the case did not raise any question of law, either of removal or settlement. He believed that the authorities of Guernsey had assumed the right to remove any people who were destitute that were not born there. It was no aggravation of the case in question that they removed the person referred to to a place where he was chargeable. This law appeared to press very hard upon the poor of the Channel Islands; and the Commissioners appointed to inquire into the Law of Jersey had strongly recommended the assimilation of the Laws of England and Jersey in this respect—that after a few years' residence they should be irremovable.

ORDNANCE SURVEY—THE CIVIL ASSISTANTS.—QUESTION.

MR. VANCE said, he wished to ask the Under Secretary of the Treasury, What provision is to be made for the Civil Assistants in the Ordnance Survey branch of the War Department, whose services were dispensed with on the 1st of November last?

MR. PEEL replied, that a small reduction in the number of the Civil Assistants—about twenty out of 1,500—had taken place in consequence of the survey having been brought to a conclusion. With the exception of a few of them, ten or twelve, who had been superannuated and pensioned off in the usual manner, the remainder would be re-employed at the commencement of the financial year, and meanwhile they would receive retiring allowances.

COAST AND DEEP SEA FISHERIES.

QUESTION.

MR. BLAKE said, he rose to ask the hon. Member for Stirling Districts, Whether the Royal Commission for inquiring into and reporting on the Coast and Deep Sea Fisheries of the United Kingdom, of which he was a Member, will visit Ireland during the present year?

MR. CAIRD, in reply, said, the Commissioners hoped to be able to finish the inquiry on the English coast by August next, after which they would proceed to Ireland.

LUNATIC ASYLUMS (IRELAND).

QUESTION.

COLONEL GREVILLE said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of the Government to separate the County Meath from the Mullingar District Lunatic Asylum, which affords ample accommodation for the dangerous lunatics of the three counties; and, if so, whether the whole burden of its support will be imposed upon the counties of Westmeath and Longford?

SIR ROBERT PEEL said, in reply, that the matter had been for some time under the consideration of the Irish Government, but no definite course had yet been decided upon. The Government were anxious to do that which would be most agreeable to the counties themselves, and for that purpose had communicated with the Grand Juries of the counties of Meath, Wicklow, and Louth, in order that the question might be satisfactorily discussed at the ensuing assizes.

CAPTAIN M'KILLOP'S COFFERDAM.

QUESTION.

Sir **JOHN HAY** said, he wished to ask the Secretary to the Admiralty, If Captain M'Killop's Flexible Cofferdam has been well reported of to the Admiralty; and, if so, whether it is the intention to develop the invention under Government supervision?

Lord **CLARENCE PAGET** replied, that the invention had not yet been sufficiently tried to enable the Admiralty to form any decided opinion. Captain M'Killop, however, had received permission to carry on his experiments at Portsmouth, at his own expense.

WAR STEAMER IN THE CLYDE.

QUESTION.

Mr. **DALGLISH** said, he would beg to ask the Under Secretary of State for Foreign Affairs, adverting to the statement that a steamer of 3,000 tons and 500 horse power, plated with 4½ inch armour from stem to stern, was launched on Wednesday from the yard of the builders of the *Pampero*, and said to be the property of the Danish Government, Whether, if such should prove to be the case, the Government will seize her as they have seized the *Pampero*, or will permit her to sail from the Clyde?

Mr. **LAYARD**: In answer, Sir, to the question of my hon. Friend, I will, with the permission of the House, state exactly what took place. Shortly before hostilities broke out between the German Powers and Denmark, the Danish Minister in this country informed the noble Lord at the head of the Foreign Office that a vessel, intended for the purposes of war, was being built in the dockyard to which my hon. Friend alludes. He stated that he had no desire to give Her Majesty's Government any inconvenience or trouble in the matter, and that he would give orders to stop the fitting of the vessel if that were the wish of Her Majesty's Government. The noble Lord thought it would be better to stop her fitting, but the builders remonstrated, and represented that it would be very hard on them, and would cause great inconvenience and loss if they were not allowed to finish the vessel, so as to enable them to get her off the stocks. The Danish Minister communicated this to the noble Lord, who stated that he had the most implicit reliance in the good faith of the Danish Minister, and that if he would give his word that the vessel should not leave the Clyde, he would consent that she should be finished so as to enable her to leave the stocks. The Danish Minister did give his word, and the vessel was completed, and left the stocks, but is detained in this country until hostilities shall have ceased. I cannot conclude without bearing my testimony to the great loyalty and honourable conduct of the Danish Minister in this matter.

COUNSEL'S FEES IN PARLIAMENT.

QUESTION.

Sir **WILLIAM MILES** said, in the absence of his hon. Friend (Colonel Wilson Patten), he would beg to ask the President of the Board of Trade, Whether he intends to proceed with his Bills for the Amendment of the Private Business of the House, so as to enable parties to take advantage of them during the present Session; and whether the Parliamentary Bar has made any communication to him with respect to a change in the system of Counsel's Fees?

Mr. **MILNER GIBSON**: The two Bills, Sir, to which the hon. Gentleman refers stand for second reading on Thursday next; and should the business of the House permit me to do so, I will proceed with them on that day, and with all convenient dispatch, so that the parties interested in them, should they pass, should have the benefit of them as soon as possible. With regard to the second question, I have to state that this day I have received a communication from a most influential Member of the Parliamentary Bar, which had the concurrence of the leaders of the Parliamentary Bar, as I am informed. The communication is satisfactory, as far as it goes, although not entirely dealing with the whole question. But to be quite accurate I will read the statement, which has been placed in my hands, and state what I am permitted to make known to the House. The words are these—

> "It is understood that it be not considered inconsistent with the etiquette of the Parliamentary Bar for any Counsel to appear before a Committee of either House of Parliament, if he should think fit, at a lower rate of fees in respect of daily attendance and consultation than that which has hitherto prevailed."

From the conversation which passed, I

understood the meaning of that document to be that any Counsel should be permitted to take a case with a small refresher, or without any; and with regard to consultation, that the fee upon consultation should be such as might be settled between the solicitor and barrister without reference to the present practice of having a minimum of at least five guineas for each consultation. I was further informed that this consultation fee is not for the future to be taken as a matter of course, but is only to be allowed in cases where a consultation had been considered necessary by the parties, and had been actually held. I believe, however, there was some misapprehension formerly as to consultations having been paid for and not actually held. I am told that that was not the case, and that I was rather incorrect in the statement which I made on the subject, and I am glad to have the opportunity of correcting it. I am told that no change is to be made in the fee upon the retainer and upon the brief, both of which are to be restricted to the present amount, as a minimum in each case that can be taken by a barrister—namely, five guineas on the retainer and ten guineas on the brief—so that it will be impossible to appear before the Committee in any case for less than fifteen guineas. At present, they cannot appear for less than thirty guineas, so that the House will see that a considerable reduction has been made by the Parliamentary Bar. That subject is under their consideration, and it is hoped they will be able to make such a change in that system as will enable Counsel to practise at the Parliamentary Bar under the same rule, with regard to fees, that prevails in the ordinary Courts of Law and Equity.

MR. BENTINCK: I consider the statement made by the right hon. Gentleman with respect to the Parliamentary Bar very unsatisfactory, and I wish to ask, in the event of the Parliamentary Bar not taking upon themselves to alter the system as now proposed, is it the intention of the Government to deal with that question?

MR. MILNER GIBSON: I can only say, that what the hon. Member has indicated is a possible course, but I would rather not commit myself upon the subject. I would rather leave it in the hands of the Parliamentary Bar.

MR. HADFIELD: I wish to ask, whether the public are to be confined to the services of the Parliamentary Bar, or whether it is competent to them to employ other barristers to conduct Parliamentary business on such terms as they may think desirable?

MR. MILNER GIBSON: I believe, so far as I am informed, that there is no rule of the Bar in general that would prevent Counsel from practising before Parliamentary Committees, taking the same fees which are permitted to be accepted in the Courts of Law and Equity. Whatever rule exists is made by the Parliamentary Bar itself. It is altogether a question of professional etiquette.

THE FINANCIAL STATEMENT.

QUESTION.

MR. GODDARD said, he would beg to ask the Secretary of State for the Home Department, in the absence of the Chancellor of the Exchequer, Whether he is able to inform the House on what day before Easter he will make his Financial Statement?

SIR GEORGE GREY said, his right hon. Friend had purposed being in his place to answer the question. However, he might state that it was intended to make the financial statement immediately after the Easter recess. He could not mention the day just then, but that would be done this day or to-morrow.

Afterwards—

THE CHANCELLOR OF THE EXCHEQUER: A question was put during my absence with regard to the date at which the financial statement will probably be made. It is rather early at present to fix the date definitely, but it will not be before the recess, inasmuch as that takes place in March, and the financial year will not then have concluded. As far as I can judge, if that date should meet the convenience of the House, the statement will be made on Thursday, the 7th of April.

TELEGRAPHIC DESPATCHES.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask, Whether the Danish Despatches that have been laid on the table contain the Telegraphic Messages that have been received by Her Majesty's Government?

MR. LAYARD replied, that no Telegraphic Despatch was ever printed in Parliamentary Papers under any circumstances.

M. MAZZINI—THE GREECO CONSPIRACY.

QUESTION. ADJOURNMENT.

MR. COX: Seeing the hon. Gentleman the Member for Halifax (Mr. Stansfeld) in his place, I wish to put a Question to him. I beg to ask, Whether his attention has been called to what is stated to have taken place at Paris upon the trial of Greco and his accomplices, and to what fell from the Crown Prosecutor on that occasion. The Crown Prosecutor is reported to have used these words—

> "He (Greco) was to write to that address in London if he was in want of money. It is as follows: — 'Mr. Flower, 35, Thurloe Square, Brompton.' I searched the *London Directory.* At page 670 I found what I was looking for, and it was not without sadness that I recognized the name of a Member of Parliament of England, who already had been in 1857 appointed to be the banker of the Tebaldi conspiracy against the Emperor's life."

I also have searched the *London Directory*, and I found that the hon. Member for Halifax lives at that address. I therefore desire to know, whether the hon. Gentleman's attention has been called to this paragraph?

MR. STANSFELD: I am much indebted to the hon. Member for Finsbury for having enabled me to answer at once the question, of which he gave me notice at an early period of the evening. My attention was directed this morning to the speech of the Procureur Général, from which my hon. Friend has read an extract, and I must say that the astonishment with which I read the speech was mingled with somewhat of a stronger feeling. For the Crown Prosecutor of a friendly Power in the first place to imagine, and in the second place to venture to insinuate, that one who has the honour of a seat in the British House of Commons, and who, however unworthily, happens to occupy the position of a Minister of the Crown—that he should directly or indirectly have ever participated, or even have been conscious of any supposed implication, in attempts which, if serious, must excite the execration of mankind—I say such a statement is more than I can understand, and I confess I read his speech with feelings not only of astonishment, but also of indignation. Sir, I trust it is quite unnecessary—in fact I should feel it, I may say, an indignity should I be called upon—to plead to an indictment like this, and to declare in this House that I share the feelings of all decent men with regard to attempts of this kind, about which there can be but one opinion. But if there be to my mind some sort of satisfaction in connection with the indignity of such a suspicion it is this, that it gives me the opportunity upon this occasion and from this place to bear my testimony to the character of a man whom all who know me know I have known for some eighteen years, and than whom I have never known, I have never heard or read of, any man who has been more cruelly and more shamefully maligned. I speak, as I have said, from a definite personal knowledge of nearly eighteen years, and I have yet to learn that that knowledge and the convictions which it produces will not have some effect upon the mind of this House and of the public. I say that M. Mazzini, whose name has been associated with this attempt—I pledge my personal knowledge of him for the conviction, that he is absolutely incapable of being concerned in it. And, Sir, I will go further. It is impossible that I could have read the extract which my hon. Friend has given to the House without having occupied the time which intervened since then in making some inquiries, and ascertaining how it was possible that such insinuations should have been uttered. I have made inquiries, and I am satisfied in my own mind—I will not anticipate declarations which it is the right of others to make in this case—but I have satisfied my own mind that if the case should come to be fairly tried, the answer to it will be complete and satisfactory in every respect.

MR. HENNESSY: Sir, I think it somewhat unfortunate, looking to the fact that the hon. Gentleman—["Order, order!"]—Sir, to put myself in order I shall conclude with a Motion. The House, Sir, must feel that the hon. Gentleman was entitled to the fullest latitude in all that he could say in reference to himself; but I will venture to say that the hon. Gentleman has introduced other topics not strictly personal to himself, and which should on this occasion not have come before the House, but which, if they do come before the House, it is important should come in their true colours. Referring to Mazzini, I wish at once to say—what is the opinion of several hon. Members of this House—that it is unfortunate that the character of Mazzini and his proceedings should have been brought before us in this way, with a studied eulogium, but without notice, at a time when no one expected it, and at a time, too, when the language used by

Mazzini himself must convince all who read it that grave suspicion attaches to him. For what did Mazzini write within the last few weeks? A certain criminal named Greco is arrested in France, along with other persons, for a conspiracy against the life of the Emperor of the French, and Mazzini subsequently writes to *The Times* and other newspapers to say "Greco is an enthusiastic patriot," and admits that he was in personal communication with Greco last year. Greco pleads guilty. I put it to the House—is Greco an enthusiastic patriot? What is the theory of those who believe that Greco and his accomplices were all induced by the French police to come forward to accuse Mazzini? They allege that he is a spy and a miscreant of the lowest order. [Hear.] The hon. Member for Brighton (Mr. White) says "hear," and yet M. Mazzini calls him "an enthusiastic patriot." I will not now enter upon the question, which has not been denied by the hon. Gentleman (Mr. Stansfeld), that M. Mazzini lived at the address designated by the writer of the letter to Greco, that he did write letters and receive letters there, and that money was called for at the address that had been given.

MR. STANSFELD: I beg the hon. Gentleman's pardon—

MR. HENNESSY: These are facts, as an hon. Member reminds me, that are not denied, and they are most material to people of this country. Money was collected and letters received under a false name. Why? Why use a false name? These things are matters of interest to us, who are here the representatives of a country, I am happy to say, in friendly alliance with France. But, if attempts such as have lately taken place are made, what must be thought by the people and the Sovereign of France? I understand that it has been said by the friends of these parties that Mazzini never engaged in any attempt to murder the Emperor of the French, but that his only object is to keep the Emperor in terror. Even assuming for a moment that absurd and improbable defence to be true, does any one think that it is a defence which the people of this country will tolerate? Mazzini may assert that the cause he has at heart may be served by keeping the Emperor of the French in terror; but his avowed policy indicates a far more serious result, and he renders himself responsible for the acts of his subordinate associates; and I venture to think, that in this House and in this country, his conduct will meet with universal reprobation. The hon. Member then, *pro formâ*, moved that the House do now adjourn.

MR. COX: I rise to second the Motion; and perhaps I may be permitted to say I hardly expected my hon. Friend the Member for Halifax would, in answering my question, have gone into a defence of M. Mazzini. What I desired to hear from my hon. Friend was some explanation of the charge publicly made against him. He used expressions that were perfectly justified by the occasion of the horror and disgust which he and every Gentleman in this House must feel at being charged as an accomplice in such an attempt as this. But he did not give me, or give the House, any explanation as to this Mr. Flower who resides at No. 35, Thurloe Square, Brompton—which is the result of a search in the *London Directory* by the French Procureur; but I, too, have searched the *London Directory*, and I there find that 35, Thurloe Square, is now the residence of my hon. Friend the Member for Halifax (Mr. Stansfeld). I rise now to second this Motion for the purpose of giving him an opportunity of explaining that which seems to have been quite forgotten, and I am sure he will be able to give a most satisfactory reply.

Motion made, and Question proposed, "That this House do now adjourn."

MR. STANSFELD: I hardly understood that my hon. Friend was desirous of any explanation from me on the specific point to which he has referred. He has searched the *Directory*, and he has been enabled to ascertain a fact that was easily ascertainable—namely, my address. My address is 35, Thurloe Square. As to a letter stated to have been addressed to Mr. Flower, I understand my hon. Friend wishes to know if I have any knowledge of that letter. Now I have already stated in general terms—general because I wished them to apply to one and all of the accusations—that I never have had—it seems almost too great an indignity to have to answer such a question. I have not, and never have had, the slightest knowledge of proceedings of that character; and I will add, for I think I am entitled to add, that I have not the belief in them that some hon. Gentlemen have. I have been blamed by the hon. and learned Member for the King's County (Mr. Hennessy) for having taken the opportunity of defending the character of M. Mazzini. I had full reasons for that course—the one is that my name has been implicated in transactions that affect his character; and I think I am entitled—I think I should be shrinking from the duties of private friendship—if I had not taken this opportunity of testifying, what I will say is not only my conviction but my knowledge, of his character. Now what is the question?

Mr. HENNESSY: Who is Flower? I ask whether in truth this Mr. Flower is M. Mazzini?

Mr. STANSFELD: I can have no knowledge. I know nothing about this Mr. Flower. Did not the hon. Gentleman put a question as to collection of money?—if so, will he repeat it?

Mr. HENNESSY: I ask the hon. Gentleman, whether he at any time acted as treasurer or as an agent of a committee for the collection of any money to be distributed among the Italian patriots? [*Cries of* "Oh, Oh! Don't answer him!"]

Mr. STANSFELD: I will then give my answer to the House. Certainly not—No!

Lord CLAUD HAMILTON: I should like to know from the hon. Member for Halifax whether a Mr. Fiore is not his intimate acquaintance, and has not been at his house, and whether that person is not the secretary of Mazzini. [*Cries of* "Oh!"]

Mr. W. E. FORSTER: I do not rise to carry on this discussion, but I think that when it is read to-morrow it will appear as though it is an attempt to get information for the French Procureur Imperiale. I am quite sure my hon. Friend the Member for Halifax has answered all the questions that have been put to him which in any way affect himself in a manner that will be quite satisfactory to the country. I merely rise for the purpose of saying that the hon. and learned Member for King's County (Mr. Hennessy) in alluding to M. Mazzini, stated, as though it were an acknowledged fact, and admitted by Mazzini, that although he did not enter into plots for the purpose of assassinating the Emperor of the French, he did so for the purpose of terrifying him. Now, perhaps the hon. Gentleman, as he cannot do so himself, will get a friend to state the reason for his making that statement. I do not believe that Mazzini ever made that assertion. I have very little knowledge of M. Mazzini, but from what I do know of him I would take his denial as being true; and my belief is that he has had nothing to do with any such plots for any purpose whatever.

Mr. Alderman ROSE: I think the question which the House would like to have answered is this—Has Mazzini ever lived with the hon. Gentleman the Member for Halifax? [*Cries of* "Oh, Oh!" *and* "Don't answer!"] It is right that the House should have that question answered. I am quite sure that it is supposed that it is a fact that he either lodged there or was living some time in the same house. Will the hon. Gentleman answer that question? [*Cries of* "Don't answer!"]

Mr. W. WILLIAMS made some observations on the inconvenience of bringing questions of this kind before the House, irregularly and without notice.

DENMARK AND GERMANY—RELATIONS WITH THE EUROPEAN POWERS.

QUESTION.

Mr. DISRAELI: As there is now a Question before the House, I take this opportunity of making some inquiry of Her Majesty's Government respecting our relations with the Continent of Europe. They appear to me, since I last addressed a Question to the Government on the subject, to have increased in anxiety and perplexity. I understand that Her Majesty's Government have been successful, after some fruitless efforts, in a new proposition—namely, that a Conference should be held by the great Powers, and those interested in the difference between Denmark and Germany, without an armistice. I understand that the noble Lord has made an announcement to that effect, and that the proposition had been accepted by the French Government. I have myself great distrust of Conferences *pendente lite.* I think it in the nature of things that these efforts should be generally fruitless, and sometimes productive of great disadvantage, however *bonâ fide* may be the intentions of those who go into council under such conditions. It stands to reason, that nothing can be more difficult than to come to a decision upon circumstances perpetually changing. And, if we study the history, not only of this country, but generally of diplomacy, we shall find that in nine times out of ten, where negotiations for peace have been carried on during war without an armistice, those Conferences have failed; because, though there may have been the greatest anxiety on the part of all present to come to a pacific solution of affairs, yet when they have arrived at some basis which promised a satisfactory result, a strong place has, perhaps, been taken, a battle fought, or some individual who exercises a leading influence on events—a Minister or a Prince—dies; the whole materials are changed in their aspect and character, and, with all the efforts exerted to bring the matter to a conclusion, failure has generally been the result. But, Sir, in the present case, I confess that I have more than an abstract objection to a Conference *pendente lite*, because we have experience of the influence of the present Secretary of State for Foreign Affairs under circumstances of an analogous character, and they are not of a favourable or flattering character. Nine years ago there were Conferences held at Vienna at a time of war, and without an armistice, with the view of bringing about peace under circumstances which many considered not unfavourable. The noble Lord, now Foreign Secretary, but not then filling that office, was, though unusual, without any occupation at the moment. He was, therefore, chosen by the noble Lord opposite, then Prime Minister, to manage the negotiations. I need not remind the House—for it is part of our history—of the amount of indiscretion and disaster which was accomplished under these circumstances. I believe there is no page in the annals of our time—at least of the last twenty-five years—to which we can look back with less satisfaction. The noble Lord was sent to the Conference to negotiate a peace without an armistice. He came back to this country to recommend to his Colleagues that they should accept a peace, under conditions which were kept completely secret. Suspicions were excited in the House of Commons. I myself was requested by my friends to bring forward a Motion, calling the attention of the House to the ambiguity both of expression and conduct on the part of the Government in regard to the proceedings which were then taking place. The Government were vindicated on that occasion by a very large majority—not less than 100—expressing their confidence in the negotiations of the noble Lord and the conduct of Her Majesty's Ministers. The noble Lord himself appeared in the House, and made a powerful speech in favour of carrying on an uncompromising war against Russia. Yet, a few weeks afterwards, the secret came out that at that very period he was recommending a peace under conditions which the House of Commons deemed disgraceful. These negotiations at a Conference *pendente lite* led to a change of Ministry in France, and to other changes of great importance. So far as the English Government were concerned, although they had a majority of 100 on the vote of confidence before the Whitsuntide holidays, yet after that brief interval they were in such a position that the noble Lord who conducted the negotiations could save his Colleagues only by an ignominious retreat. Therefore, speaking both generally and particularly, there is nothing very encouraging to the country and the House of Commons in learning that Conferences are to be held with a view of terminating the deplorable hostilities in Denmark, and that they are to be conducted without the preliminary and salutary condition of an armistice. Besides these objections to the course which the Government are about to pursue, there is another reason why I think it my duty to request some information on this point from Her Majesty's Ministers. I daresay hon. Gentlemen have all of them more or less examined the papers respecting the Schleswig-Holstein question which we so anxiously urged the Government to produce; and I doubt not they have observed, that the noble Lord, who nine years ago conducted so disastrously and fruitlessly the Conferences at Vienna, now, as Secretary of State for the Foreign Department, impressed with the difficulties which every day surround him with regard to the Danish question, made a proposal to the French Government. I need not go into the despatch of the noble Lord in September of last year. It is a despatch characteristic of the writer, who, having to encounter great difficulties, suggests every feeble expedient that can be imagined. Affairs might be settled by a Conference; they might be settled by propositions; they might be settled by identic notes—by single notes—by joint notes—by all that diplomatic rubbish which characterizes, to use the happy language of the noble Lord the Prime Minister, a Government of antiquated imbecility. What was the answer of the French Government? No doubt hon. Gentlemen are perfectly familiar with the answer of the French Government, communicated by the English Chargé d'Affaires to Earl Russell. It is No. 126, I think, in the diplomatic Correspondence. M. Drouyn de Lhuys speaks with a very intimate knowledge of the character of the Foreign Secretary. M. Drouyn de Lhuys had been his colleague at those celebrated Conferences at Vienna, where he negotiated for a peace without an armistice, and had lost his eminent post in consequence of the arrangements he then made with the noble Lord. M. Drouyn de Lhuys had also been in frequent communication upon many very important questions with the noble Lord during the last year or two. Well, what was the answer of the French Government? I am sure hon. Gentlemen are familiar with it, for it is really the key to the whole of this voluminous Correspondence, part of which we have already received. The French Government reply—All this is very well—these propositions for conferences, for identic, joint, or separate notes, these means of conveying to Powers, pursuing a course which we think impolitic and unjust, our sense of their misbehaviour; but we have not forgotten that, under your influence and in your company, we have taken these same measures only recently in regard to Poland; and what was the result? It ended in the humiliation of both countries — to use M. Drouyn de Lhuys's own words, which I quote from memory, "in impairing the dignity both of France and England." Therefore, say the French Government, we will have nothing to do with these propositions, we will not interfere with these things; the Emperor is resolved on this, unless you are prepared to proceed further, and enter into a course of action. Now, Sir, what more legitimate question can we ask—especially before we go into Committee of Supply, which is the business of to-night—than this—What is the exact state of affairs? If, as the noble Lord tells us, France has listened with favour to this proposition of a Conference, and is ready at last to co-operate with us in that direction, is it not our first duty to ascertain from the noble Lord on what conditions the assent of France has been given, and whether the noble Lord has agreed with the French Government to go further and to enter into a course of action in order to effect a common object in Denmark? That is a question of vital and urgent importance. I will assume, however, for the moment, that the conditions of France have been mentioned and complied with—I will assume that France and England at least have determined to enter into a course of action. I say it is also a matter of very great interest and importance to the House of Commons to know if these conditions have been agreed to, what that action is intended to effect, and what object we are to accomplish. So far as I can form an opinion, having listened to a variety of statements in both Houses from Ministers of the Crown on this question of Germany and Denmark, there seems so much inconsistency, so much contrariety, not only of views but of facts, that at last I feel quite in a cloud, and am at a loss to understand what, if the Government are going to act, it is that they intend to do. If I am to believe the noble Lord, there is a great and common object upon which the Powers are agreed and decided, and that is to maintain the integrity and independence of Denmark. Everybody, according to the noble Lord, is in favour of the integrity and independence of Denmark, and nobody more so than the Austrian and Prussian Governments. Sir, it is a great point, especially in conferences *pendente lite,* that there should be one position upon which all parties are agreed; but then, unfortunately, very different meanings are attributed to the phrase, "The independence and integrity of Denmark." If, for example, by maintaining the independence and integrity of Denmark, you mean a union between the Kingdom and the Duchies, subsisting merely by the personal tie of being ruled by the same Sovereign, I, for one, should say that that, so far from being an arrangement to secure the object in question, would produce constant disunion and ultimate anarchy. Are we to adopt the alternative that armed Europe is to interfere, and by force of arms to render the inhabitants of Holstein and Schleswig loyal and contented subjects of the King of Denmark? That is a solution not consistent with the principles of British policy, nor, to my mind, perfectly in harmony with the spirit of the age in which we live. Hence this is a situation which requires much explanation. But, Sir, it is possible—for I wish to view the question in every light, in order that we may, at this anxious moment, elicit some information from Her Majesty's Government—it is possible that France has generously consented to attend the Conferences without exacting those conditions which the French Minister in the autumn said were a *sine quâ non.* What will happen then? In my opinion, what probably will happen will be that a great deal of time will be wasted, and then the spring will at last arrive. When the spring arrives that Power which, from our continual blundering, has had the opportunity of assuming a position of so much forbearance and so much moderation, and of offering, through its Emperor, so many conciliatory suggestions, will, perhaps, be called upon to settle these perplexed and harrassing disputes, some of which are to be brought before this very Conference. I cannot doubt that, under the circumstances, the Emperor of the French will be very successful. People will be so tired, Governments will be so exhausted—they will have appealed so often in vain to England for a solution of these difficulties — that they naturally will turn to one who, to use a common phrase, will find himself "master of the situation." I dare say the Emperor of the French will not act in a very ferocious manner under the circumstances. No doubt in this civilized age France, like every other country — France, too, so enlightened — will feel the advantage of moderation even in ambition. Perhaps the revival of the Confederation of the Rhine, perhaps the rectification of the long and anxiously considered question of the Sarre-Louis frontier might be thought a sufficient compensation for the extreme anxiety which the Emperor of the French will naturally feel in settling disputes which we ourselves have assisted so much to complicate. What will happen then? There will be a great noise in this House, and probably in other Houses of Parliament, upon the matter. If we find some new arrangement of the map of Europe similar to that in the case of Nice and Savoy, we shall have screaming despatches and terrible invectives—terrible invectives, like those that have not yet succeeded in expelling the Pope from Rome or the Austrians from Venice, but which are recognized for their power and for the appropriate manner in which they are always introduced into the discussion of public affairs. But I should like to know what will be our position under those circumstances. I know the noble Lord opposite will say to me—"You make these remarks upon the Government in the difficult position in which we are placed, but you never make any suggestion of what you would do if you found yourself responsible for the conduct of affairs in the same situation." I should be very sorry to be in the position in which the noble Lord finds himself: and I cannot but believe that if we had been upon the Treasury bench instead of the noble Lord and his Colleagues, we should not have been in the situation which Ministers now occupy. That, indeed, is the whole matter. The sole cause of the present imbroglio may be found in the answer which the French Minister made to the plaintive representations of our Secretary of State. It is quite clear, that if Her Majesty's Government had not taken that unwise course with respect to the affairs of Poland — if they had not entrapped France into a false position, and when she was in a false position made no effort to extricate her from it—and if there had not been that consequent estrangement between the two Governments, France and England could have prevented those events which have occurred in the North of Europe. Therefore, those frequent taunts, that we criticize the conduct of Ministers, but do not say what we should do if we were in the same position, really come to nothing; because I believe that Her Majesty's present Ministers have themselves brought about the difficulties with which they are unable to deal. When we are asked whether we are advocates for war in favour of the integrity and independence of Denmark, my answer is, that I cannot say what the policy of England ought to be with respect to going to war for the integrity and independence of Denmark until I am acquainted with the engagements which Her Majesty's Government have entered into. But irrespective of that point—which I reserve—I assert, that if our affairs had been managed with due firmness and conciliation, with straightforwardness, and with common sense, the integrity and independence of Denmark would never have been endangered, and there need have been no question of war to preserve the integrity and independence of Denmark. That is the real issue. I cannot, I repeat, give an opinion as to what should be the ultimate course of this country on this question, because Parliament is not, at the present moment, fully in possession of information upon the subject, and because we do not know what engagements Her Majesty's Government may have entered into with the Danish Government, what expectations they have held out, and under what understanding, verbal or written, all parties may have acted. Nor am I too sanguine that we shall find that information in the papers which have been promised by the Government, and which are now appearing in instalments. I wanted those papers, not so much for the information they would give us as for the information I take for granted they omit; because, let me remind the House, it has twice happened with the present Secretary of State for Foreign Affairs, that, at critical periods in the history of this country, when he has been obliged to furnish Parliament for its decision with voluminous papers, the questions at issue have been decided, not on the papers which were laid before Parliament by the Minister, but on papers, which, in consequence of their publication, appeared abroad. That is a very remarkable thing to have happened twice to the same Minister. In 1853, when alarm first broke out respecting probable hostilities with Russia, which ended in the Crimean war, we had papers enough, as I told the House the other night. On the first day of the Session, the present Earl Russell appeared at the Bar, and gave us that surfeit of State Papers which the noble Lord opposite threatened and hoped might baffle the understanding of the House of Commons. He gave us 800 pages of Correspondence within forty-eight hours. What was the consequence? You had questions from all parts of the House; you had answers from Ministers; you had debates and discussions: but the House remained, as it remains now upon the Danish question, unable to fix the Minister, but with a deep conviction prevailing both sides that they were not masters of the real merits of the case. The noble Lord, in one of his speeches, with a great want of caution as it afterwards turned out, denounced the policy of Russia—the ambitious, irrational, and unexpected policy of Russia—for which the Government of Lord Aberdeen had not been prepared. What occurred? There appeared in the official journal of St. Petersburg a statement to the effect that, whatever might have been the errors of Russian policy, one thing was quite clear, that Her Majesty's Ministers from the first had been aware of the intentions of the Emperor of Russia, and had approved the principle upon which he had acted. What, then, happened? A Member of this House having some other information, made such an appeal that the noble Lord the Secretary of State was obliged to produce the confidential communications of the Emperor of Russia with Sir Hamilton Seymour, from which it appeared that at the very moment of the formation of the Government of Lord Aberdeen the Emperor of Russia, with the utmost frankness, had explained his views to the English Minister. Nay, not only had that occurred, but the Secretary of State had answered that confidential communication with such a total ignorance of the merits of the question, with such a total want of appreciation of the exigency, that he made an admission of the right of the Emperor of Russia to interfere in the Turkish dominions as protector of the Greeks, although it afterwards turned out that the very treaty under which that right was claimed gave no sanction whatever to the pretension, and must have been perfectly unknown to the Minister, who had, perhaps, neither the time nor the temper to examine it before he gave the solemn verdict of the British Government upon its value and importance. I should have thought that that was enough for a Secretary of State to have done to entitle him to the lasting confidence of his Sovereign and of Parliament. But, what happened in those very negotiations at Vienna, which terminated so fruitlessly? I can remember no period when there was more anxiety, more disturbance and disquietude, in the mind of Parliament, as when those negotiations were going on at Vienna. Her Majesty's Government then was not constituted precisely as it is now. The Chancellor of the Exchequer, for example, did not then sit on the Treasury Bench to denounce a statement of facts as "fireworks." On the contrary, the right hon. Gentleman was perfectly alive to the importance of the question then before us; and he was pressing the Government, as we were—though for a different object—in order to obtain the truth which was withheld and concealed from this House. What happened then? We had despatches and papers laid before us, as at the period before the commencement of the Crimean war, and as at this moment, in reference to the Danish question; for the noble Lord is always ready to produce papers enough to confuse the Parliamentary mind, and to prevent Members from complaining of the want of ample information from the Government. But it appeared to us on this side of the House, as well as to many hon. Gentlemen opposite—among the rest the present Chanceller of the Exchequer—that those papers indicated great ambiguity of conduct, and that some secret had been withheld from us. I myself brought the matter before the House; but I was defeated, as I said, in a full House by a large majority—a majority of not less than 100—who voted confidence in the intentions of the present Secretary of State and in Her Majesty's Ministers. We dispersed for the holydays. What happened afterwards? In consequence of some of the statements made in the House, the Prime Minister of Austria, Count Buol, published a confidential circular, in which he stated that the noble Lord the present Secretary of State, who had come back to England and made a ranting speech in favour of a vigorous prosecution of the war, had previously settled with him what he thought reasonable terms upon which peace might be concluded, and, in fact, had returned home for the express purpose of recommending and sanctioning that peace. Under these circumstances, what became of your majority of 100? I have already reminded you, that the noble Lord only saved his Colleagues by a precipitate and ignominious retreat. Thus, then, twice—once at the commencement of the troubles with Russia, and once in carrying on the negotiations with Austria, for the re-establishment of peace—you find that the House of Commons, with the most voluminous materials supplied by their own Ministry, have never been able to arrive at the truth, and it is with the forced publication of documents by foreign Governments that the secret policy pursued has been revealed. Let us, then, look at our present position. We have a mass of papers before us. There are none that have met my eye yet which throw any light on those engagements which it is, I will only say, rumoured about, that Her Majesty's Government have entered into with Denmark, but still rumoured by persons of authority. I hope I shall not be answered on this occasion by any quibbling about words. When I talk of engagements, I am not talking of solemn and formal treaties, which can, of course, be appealed to; but I want to know what have been the expectations which we have held out to Denmark? What has been the encouragement that we have given her? What has been the advice we have offered? What has been the moral obligation, at least, that we have incurred, which will explain the whole course of Danish policy at the present moment, or from the commencement of these troubles? Sir, we were reminded, before I made these inquiries, that the holydays were near at hand, and I do not suppose that before the holydays we shall find out this. But I have great confidence in the revelations which holydays bring forth. It was during the Whitsun recess, I think, that Count Buol published his confidential circular; and I shall not be surprised if, in due course of time, we have some remarkable documents published by Denmark, or some statement made by some person in authority there that will throw that light on the present position of Europe which, in my opinion, is now extremely wanting. If we gain that information, I have no doubt it will produce the beneficial results which always may be experienced by arriving at truth. At present, I can only say—and it is my duty, in the want of that information, to remind the House of the position in which the country is now placed—that that position is most unsatisfactory. It is impossible to suppose that, whether we may have entered into conditions with France, accepting her conditions probably, or whether France is entering into this Conference without any conditions—it is impossible to suppose that, before the summer passes away, something may not occur which will be both inconvenient and mortifying to this country. I hear nothing from Her Majesty's Government to guide, to enlighten, to animate the House and the country at the present moment. The drivers have lost the road; the reins have fallen from their hands; the horses are wild. And now we shall hear their answer to my inquiries.

VISCOUNT PALMERSTON: Sir, the right hon. Gentleman never is so great—never in his own opinion so successful, as when he has an opportunity of attacking an absent man. He was pleased the other day to take advantage of my temporary absence, I having been detained somewhat later than usual by public business that could not well be postponed, to attack me; and now he takes that which suits him still better—namely, the opportunity of attacking my noble Friend in the other House of Parliament. I am here; but my noble Friend cannot be. But the right hon. Gentleman chooses with wonderful dexterity and with somewhat of, I will say, simplicity of mind, the ground of his attack. The right hon. Gentleman has been absent from his place for the last three or four days. He has been studying, pondering over, getting by heart, making extracts from, and turning dog's-ears down in the papers presented upon Danish affairs; and finding little or nothing in them upon which to found an attack on my noble Friend, he ransacks *Hansard*, he turns over the pages of the *Annual Register*, he goes back to the blue-books of ten years ago for the purpose of founding a charge against my noble Friend as to what happened at Vienna in 1853. Well, Sir, I congratulate my noble Friend that the right hon. Gentleman has found the ice so hard in Danish affairs that he has been obliged to go back ten years for his topics of accusation. Why, Sir, my noble Friend performed with ability and fidelity the duties which were imposed upon him at that time at Vienna. By the admission of the right hon. Gentleman he did his utmost to bring about a peaceful solution of the then pending questions. Unfortunately, the proposals which he and M. Drouyn de Lhuys agreed upon failed, and war ensued, not by their fault, but by the fault of others. My noble Friend went on that occasion as far as it was possible for him to do in the performance of his duty, in concert with the representative of France, for the settlement of those affairs, and that attempt on his part is now made a charge against his conduct. The right hon. Gentleman has talked to-night of "diplomatic rubbish." Why, Sir, there is such a thing as Parliamentary rubbish, and that we are very often doomed to receive from men whose genius and ability ought to qualify them for better things. But the right hon. Gentleman says that the Government are in what he thinks very unfortunate circumstances, and he seems to regret that he and his friends have not had the management of these affairs. "Very different," he said, "would be the condition of the country if we had the management of matters." Very different, indeed, if we are to believe in the sincerity of the line of argument taken by Gentlemen on the other side of this House. What are the circumstances in which we have placed the country? Why, we are at peace; we are prosperous; we have been occupied in communications with all the Powers of Europe in endeavouring to settle differences without war. If we were to be led by the language of those who sit opposite, we ought to have made war against Russia for Poland, and we basely abandoned France on the Polish question when she was ready to make war with Russia. That is the charge against us, if we are to believe the right hon. Gentleman's arguments to-night. He further says, "France proposed to join us in making war against Germany in defence of Denmark, and you shrunk from accepting her proposal." Well, the right hon. Gentleman would not have shrunk from that I suppose. I say, Sir, that in my humble opinion, and without, I am sure, begrudging any success, official or otherwise, which the right hon. Gentleman and his friends on those seats may be anxious to obtain here or elsewhere, the country is just as well served by those who are now in office as they would be, according to the doctrine of the right hon. Gentleman, if he and his friends, occupying our places, had acted up to the reasonings they have used on this grave and important European matter.

But the right hon. Gentleman says the House is uninformed on this subject, and he asks the Government to enlighten his mind. Why, Sir, some people like to run away with half a story, because they find it far more convenient to express an opinion on that half than to wait and know the whole, being fearful that when they know the whole, the conclusion they wish to arrive at may not follow so legitimately from the premises laid before them. The right hon. Gentleman certainly puts the House in a very embarrassing situation, because when no papers are given he says, "How unfairly you treat the House; you leave it in the dark without any documents or information; we are unable to arrive at a conclusion." Then, on the other hand, he tells us this evening that, "If you overwhelm Members with 800 pages of information the House is then more unable than ever to come to any definite conclusion." How we are to please the right hon. Gentleman it is really very difficult to say. If we give him no papers, he complains of the absence of papers; if we give him the papers, he says he is unable to digest them and come to any rational result. Well, it is a natural fault with some minds that they are so constituted that they either do not choose to come to a conclusion, or they are unable to do so. But, one way or the other, it is quite clear that it is of no use giving the right hon. Gentleman papers, because he says, with or without them, he is equally unable to understand anything with regard to our foreign affairs. But the right hon. Gentleman, I assume, was speaking for others, and not for himself, for of course I have a higher opinion of the acuteness of his mind than to believe that if even ten times 800 pages at a time were offered to him he could not arrive at a clear and definite conclusion upon them, according to his own opinion. But I think he is quite right in the course which he now pursues. In common with the rest of the House, he has had delivered to him papers coming down to the latter end of last September. It was evident that these papers could only contain a portion of the communications which had passed between this and other Governments upon the Danish question; but the right hon. Gentleman thought, and he was quite right, that it was more convenient to get up and to make, upon imperfect information, a flourish about the conduct of the Government upon the Danish question rather than to wait until he should receive the papers to-morrow, which will bring these communications down to a later period. I can only say it would be a long story to tell the right hon. Gentleman what are all the contents of the mass of papers which he will be able to read for himself to-morrow; but I say let him wait, and let the House wait for these papers before coming to any conclusion as to the course we have pursued, either in accepting proposals or in answering proposals or in making proposals to other Governments. Let him wait until he gets the whole statement, which he will receive in the course of a few hours, and then he and the House will be better able to judge what the course of the Government has been. Our object has been from first to last to endeavour to conciliate differences, to bring together parties who are holding opposite and apparently incompatible opinions, to endeavour to modify exasperations, and to obtain a peaceable settlement of that which threatens to be the cause of a European war. Why, the charge which the right hon. Gentleman brings against my noble Friend is, that he was too abundant of suggestions for the attainment of these ends. That having failed with one suggestion he proposed another, and that is what he called "diplomatic rubbish." My noble Friend is fertile in expedients. Not succeeding in one suggestion, he proposed another; that other being unsuccessful, he proposed still another, hopeful that he would eventually attain the desired end. Instead of that being urged as a charge against my noble Friend, it is really a compliment paid to him by one who is at the same time endeavouring to run him down. The right hon. Gentleman asks whether we accepted the proposal of France made at one period, and whether we made at another period a different one. I ask him to have the kindness to wait only a few hours, when he will have the whole Correspondence in his hands, and I am satisfied that in a week's time, and when he again gets up on the question of going into Committee of Supply, with all the knowledge in his head which he has not got in his head now, we shall not have the same language from his lips which we have heard from him to-night.

MR. SEYMOUR FITZGERALD: I think, Sir, that no one who has listened to the noble Lord could have conceived it possible that that speech was a reply called for by the observations of my right hon. Friend, who was not so much referring to the various circumstances and events that have passed between this country and France and Denmark, with reference to the disputes now going on, as specifically desiring information as to the proposal of the Conference, and who, consequently, inquired of the noble Lord what information he could give the House as to the conditions upon which the Conference was to proceed. My right hon. Friend commenced by observing that the present condition of affairs was one of great anxiety, that the very proposal of the Conference, as the whole history of past years showed, was one not likely to conduce to any good effect, and, consequently, more likely to add to the humiliation in which this country is now placed, than to lead to any satisfactory solution of the difficulty; and the noble Lord has made a speech in reply to my right hon. Friend, and has not given the House any information of any sort, kind, or description with reference to this proposal of a Conference. Is not this information somewhat required? The noble Lord told us only a very few nights ago that there had been a proposal for a Conference, that he rather fancied France agreed to it, that he was not quite sure whether Russia would fall into it, and that as regards the Diet of Frankfort he rather considered that they had been asked to attend but was not quite sure about it, and since then he has told us that whether they had been asked or not it was obvious that there would be considerable delay, because there would be difficulty in giving instructions to their Minister. I asked the noble Lord the other night, whether any basis had been laid down upon which the Conference was to proceed; and what was the noble Lord's answer? He said that the principle of the Government was that the independence and integrity of Denmark should be respected. But, as my right hon. Friend has pointed out, and as we know by the speeches of the noble Lord last year, and the speeches of a noble Lord in another place, and by all the despatches laid upon our table, the interpretation put by the English Government upon the words "the independence and integrity of Denmark" is not only different from, but altogether inconsistent with the interpretation of the same words by the German Governments. Therefore I think the question of my right hon. Friend was one that ought to have been answered by the noble Lord or some other Member of the Government—that is, what is the present condition of affairs with reference to this Conference? Has it been accepted by France, and if so, has it been unconditionally accepted? What is our position with reference to Russia, and has the proposal been unconditionally accepted by her? The noble Lord, the other day, told us that Denmark had required a short delay on account of some local reasons. Now we are informed by the organ of the Danish Government what the local reason is—that she would decline to enter upon the Conference as long as any part of Jutland is occupied by German troops. I want to know if Denmark has been invited to the Conference, and if so, upon what terms? When we are told that Austria and Prussia have agreed in principle to this Conference, I want to know what is meant by that? Has any basis been laid down? Have they made any statements to Her Majesty's Government as to the conditions upon which alone they will agree to the Conference? Because, as my right hon. Friend said, so long as there is no armistice and military operations are going on, the conditions will change from hour to hour. If the Danes gain a great victory, do you suppose that they will be as ready to listen to counsel as they are now—that they will put the same interpretation upon the cant words "the independence and integrity of Denmark" in the hour of victory as they would be willing to accept in a moment of defeat and disaster? Are we to expect a really pacific solution, or is this to be the last crowning act of humiliation, that having made proposal upon proposal, and having never found a single ally who would back up our proposals for Conference, for mediation, for an armistice, or whatever they might be, that this being the only arrow left in our quiver, we are about to expend it as fruitlessly as all our other efforts have proved? I think of all the extraordinary commencements of speeches that I ever heard the speech of the noble Lord was marked by the most extraordinary. What did he attack my right hon. Friend for? Because he said, "You are making an attack upon an absent man." Does the noble Lord mean to say that because a Member of the Government is a Peer that therefore he is to be privileged from criticism in this House, and that in the just exercise of his privilege here the leader of the Opposition is to say, "I could say a great deal more about the conduct of the Minister for Foreign Affairs, but he is an absent man, and therefore I am obliged to leave his conduct without comment?" I must beg leave also entirely to differ from the noble Lord as to his recollection of those proceedings, which both the noble Lord and my right hon. Friend referred to, with reference to the Conference of Vienna. The noble Lord now says that all that passed at that time redounded to the credit of the noble Earl now the Secretary of State for Foreign Affairs. If it redounded to the credit of the noble Earl, I wonder why he left the Government. The reason that the conduct of the noble Earl was impugned at that time was, not that he was anxious to secure peace between this country and France and Russia, but that he went to Vienna and entertained propositions for peace; that he came back to this country and urged them upon his Colleagues; that all his proceedings behind the curtain were in favour of peace, while at the same time, knowing that such a policy was not likely to be popular in this House or in the country, he went on making warlike speeches. It was because he deceived the House by leading them to believe that he was a Minister who would do what they desired—that he would urge on the vigorous prosecution of the war—while at the same time he was urging peace propositions on the Cabinet; and it was because that was discovered at last by a chance question put by the hon. Member for Rochdale (Mr. Cobden); and the noble Lord made a clean breast of it, explaining all that he had done—it was upon these grounds that the noble Earl was compelled to leave the Government; it was not, as the noble Lord at the head of the Government said, because his proceedings did great credit to him, but because the House of Commons felt they could have no longer any confidence in a Minister who made speeches in one sense, but whose policy was of a totally opposite character. What does the noble Lord say with regard to the present condition of affairs? He tries to fix upon this side of the House a desire to go to war, and claims for himself the credit of desiring to maintain peace. I believe the one imputation is just as much deserved as the other. For those who sit on this side I will say, that there is no more desire for war than there is on that side of the House. What we feel is a distrust of the Government, who by their conduct have brought us to the brink of war. And I believe equally that the credit of desiring to maintain peace is as little deserved by the noble Lord. Is there anybody who can have noticed the tone of the public journals, and particularly of those which are considered to be in the confidence of the Government, or of important members of the Government, without knowing that the tone always held out to Germany was, "Take care what you do, because if you advance in this course of aggression, you will find yourself arrayed in hostile action against England, France, Russia, Sweden, and Italy." And it is only now, when France will not go with you, when Sweden distrusts you, when Italy looks rather to France than to England, and when Russia, remembering the correspondence with the noble Earl at the head of the Foreign Office, will not go with you in anything—it is not until they find themselves alone and deserted by all their allies, that the Government begin to talk of peace, whereas before they were talking of war. I believe myself that we are at this moment in a most critical position. I believe that the country attributes this critical position to the want of firmness, to the vacillation, to the bragging language at one time and to the subservient language at another, of Her Majesty's Government. I believe that the country attributes our position at the present moment to this policy on the part of the Government; and I am sure that the speech of the noble Lord this evening will not have contributed to disabuse them of that impression.

Motion, by leave, *withdrawn.*

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CHURCH AND SCHOOLS AT BROMPTON.

QUESTION.

SIR FREDERIC SMITH said, he rose to ask the Secretary to the Admiralty, according to notice he had given, On what grounds the Admiralty have declined to apply to Parliament for a Grant of Money in aid of the erection of a Church and Schools at Brompton, it being understood that the Admiralty did apply for a Grant of £4,000 for the erection of the Church of St. James, Devonport? Probably his hon. Friend the Member for Halifax (Mr. Stansfeld) would be able to give him this information in the absence of the noble Lord, who was not in his place. The district in question, in the neighbourhood of Chatham, had been created almost entirely for the accommodation of the artisans and workmen of Her Majesty's Dockyard, and the population now numbered about 6,000. This population lived, for the most part, on the fruits of their daily labour, and had little to spare from their earnings, but nevertheless a sum of £2,000 had been raised partly by them for the object in question. But this sum was insufficient without being supplemented, and the consequence was that these poor men had no place of worship within a moderate distance for themselves, and no schools for their children. An application was made to the Admiralty in 1862 to assist their efforts, and thus afford them the direct advantages of a local church and schools. The applicants thought themselves entitled to make the request, because a grant of £4,000 had been made to the church at Keyham, near Devonport, and a grant had been made under very similar circumstances by the War Department, for Plumstead. In their reply, dated March, 1862, the Lords of the Admiralty pleaded inability to make any grant then, inasmuch as the Estimates for that year had already been laid before Parliament; but they added, "they will, however, take the case into consideration when the Estimates for the year 1863-4 are being framed." They even told the clergyman that he must not expect them "to propose a grant at all approaching in amount" that which had been voted for a church at Keyham under special circumstances. The following year, when the application was renewed, their Lordships on the 12th of February, 1863, expressed regret that "they cannot, this year, propose to Parliament a grant for carrying out the object in view"—in each instance leading the applicants and subscribers to the Church fund to believe that they would eventually do so. It was not till February, 1864, that, in reply to a memorial having 823 signatures, their

Lordships stated, to the surprise and regret of all concerned, that they did not "feel justified in applying to Parliament for this contribution." £2,000 would not provide the church accommodation required, and that would include no provision for schools. He was not an advocate for public money being applied to provide church accommodation as a general rule; but this was a special case. The men congregated in the locality to which he referred were brought there by the Government, and the extension of Chatham Dockyard would increase their number. The noble Lord the Secretary to the Admiralty led the public on two occasions distinctly to understand that some aid would be given, and it would be very hard now, if, after three years, the Admiralty should turn round and contribute nothing. He hoped the noble Lord in next year's Estimates, or in a Supplemental Estimate this year, would include a sum for this object.

Mr. HADFIELD said, that if a Dissenting Chapel would be acceptable, he was quite sure that the body to which he belonged, without troubling the Government, would endeavour to serve the people in that locality.

Lord CLARENCE PAGET gave the hon. and gallant Officer great credit for watching over the interests of his friends, and he, for one, should be extremely glad if he succeeded in his object. The hon. and gallant Officer had omitted to state one thing—that the clergyman who took charge of this subscription had made rather an immoderate demand on the public. In his application of September 30, he told them he should not be satisfied if the Admiralty subscribed a less sum than £3,000. It was true they had a small sum at their disposal, and they endeavoured to appropriate it to the purpose of church accommodation and other charitable objects at the various ports where there were a great many artisans; but of late years no sum so large as that asked had been given by the Admiralty—that he was aware of—for a church and schools; and, he must say, it would have been more reasonable if the gentleman had asked for a smaller sum. If a smaller sum had been asked, he thought the Admiralty would have been disposed to assist if they had had it in their power. It must not be supposed that the public do nothing for the artisans of Chatham in the way of church accommodation. There was a dockyard chapel, which was kept up at considerable expense, and where seats were provided for persons connected with that naval establishment. There was no reason to suppose that seats in that church had been refused to any of the artisans. [Sir Frederic Smith: That church is always full.] He had only to repeat that, if a much smaller sum had been applied for, a different response might have been given by the Admiralty; and he hoped, on some future occasion, a much more moderate demand would be more favourably received.

Motion *agreed to.*

SUPPLY—NAVY ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

(1.) Original Question again proposed,

"That 71,950 Men and Boys be employed for the Sea and Coast Guard Services, for the year ending on the 31st day of March, 1865, including 18,000 Royal Marines."

Question put, and *agreed to.*

(2.) £2,874,647, Wages.

Mr. W. WILLIAMS observed, that the noble Lord the Secretary for the Admiralty, had introduced these Estimates in a very elaborate and able speech, which he regretted he had not the opportunity of hearing. The noble Lord took great credit to himself and the Government for having saved £303,422 on the Estimates this year as compared with the extravagant expenditure of last year. He wanted to compare the Estimates of the present year with those of the year before preparations were made for the Russian war, and which, therefore, was a fair standard of comparison with the present time. For this purpose he took the year 1851-2, when the present occupants of the Treasury bench were almost all in the Government of the day. The expenditure on the navy in 1851-2 was £5,727,000, and this year the Naval Estimates amounted to £10,432,610, showing an increase of no less than £4,705,000. The Secretary to the Admiralty had made reduction in some items of the present Estimates, no doubt, but he had made a corresponding increase on other items. Thus he had reduced the item of stores by £170,000, but the wages of artificers had been increased by very nearly the same amount. There were 18,000 Marines, 10,000 of whom were serving on shore, making an addition to the standing army by that amount. The coast-guard also seemed more numerous than necessary, for when he found himself near a coast-guard station he was told that there was no such thing as smuggling now. He observed that there were already thirty-seven General officers of Marines, yet an hon. Gentleman had put a notice on the paper that sixteen were necessary. Now, he had never heard of a General of Marines commanding that force on active service either on board or on shore. He trusted the noble Lord would tell the House why £12,000,000 more for the army and navy were required this year than in 1851-2. He was as anxious as any one to maintain the supremacy of the navy; he only objected to money being expended unnecessarily.

SIR JOHN HAY said, he would like to call the attention of the noble Lord to one item of the Vote—namely, the pay of the Marines. That valuable and distinguished corps had very seldom an opportunity of having their interests represented in that House. The Royal Marines being a seniority corps, provision had already been made for quickening promotion among the officers, which, by some accident he supposed, had not been fully carried out by the Admiralty. In the year 1854, at the commencement of the Crimean war, a Royal Commission was appointed to inquire into the promotion of the seniority corps —the Royal Artillery and the Royal Engineers. In consequence of the Report of that Commission, which recommended that a certain sum be bestowed upon those two corps for the purposes of retirement and promotion, an Order in Council was obtained by the Admiralty in 1854, with a view of benefiting the corps of Royal Marines. About that time the normal condition of the corps was 12,000 men. The Artillery force was then 20,000 men. The Royal Commission had recommended that £32,000 a year should be bestowed in furthering and purchasing promotion in the Artillery, and £16,000 in furthering promotion in the Engineers. The Royal Artillery and the Royal Engineers had ever since received the benefit of the full sum recommended by the Royal Commissioners. But although in consequence of the recommendation of the Order in Council of 1854 the Admiralty had ever since at their disposal in each year the sum of £35,000 for quickening retirement and promotion in the Royal Marines, they had never spent that sum. The sum voted last year for the retirement, &c., of officers of the Royal Marines amounted to £32,000; this year a Vote was taken for £30,000; so that there remained a balance of £5,000 or more in their favour, accumulating each year. He contended that the full sum recommended by the Royal Commission ought to be expended in promoting retirement in the Marine force. The number of Generals fixed for the Marines was ten. That was the number when the Marines amounted only to 12,000. They were 12,050 on the 1st of January, 1854, but on the 13th of January, 1854, they were raised to 15,500 for the Crimean War, and on the 22nd of February, 1860, were still further increased to 18,000. It would appear proper, then, to increase the number of Generals belonging to the force; such a step would expedite promotion, and would give the same opportunity for rising as was enjoyed by the officers of the Artillery and Engineers. What he would suggest was that £5,000 which was not now spent should be applied to increase the number of General officers of the Marine force to sixteen. He trusted the Admiralty would take the matter into their consideration, and he begged to move that the number of General officers of Marines be increased to sixteen, in accordance with the spirit of the recommendation of the Royal Commission of 1854.

THE CHAIRMAN said, that as the Motion of the hon. and gallant Member proposed to increase one particular item beyond the amount proposed by the responsible Minister of the Crown, it could not be entertained by the Committee.

SIR JOHN HAY said, his proposal would not go to increase the number of men or the amount of money. The sum of £35,000 was at the disposal of the Admiralty, annually, for this purpose, and they did not exhaust or spend the money. He proposed that six Colonels should become Generals. He made that as a suggestion.

THE CHAIRMAN said, the explanation would appear to divest the Motion of its objectionable character; but, as it would appear on the Journals of the House it would be a Motion for an increase, and it was sufficient for him to say that such a proceeding was contrary to the usages of Parliament and the express rules of the House. He should therefore decline to put the Question.

MR. W. WILLIAMS said, there were thirty-seven Generals of Marines, and that number appeared to him quite sufficient.

COLONEL SYKES said, it struck him, there was some disposition in the House and in the public journals to keep the public in ignorance of the real strength of our resources for manning the navy. The House was asked to vote wages for 53,000 men and boys, 18,000 marines—10,000 on shore and 8,000 afloat—making a total of 71,000. There was, besides, 950 civilians for the coast-guard service, and if we added 16,000 reserves there was a grand total of resources available for manning our ships of 87,950. In his experience there never was such an amount in figures under the consideration of the House before. In the very next Vote, provisions were asked for no fewer than 85,167, out of the 87,950, so that a goodly proportion of the 16,000 reserved men were likely to prove their effectiveness by the consumption of rations. He trusted these figures would establish, to the satisfaction of the country at large, the efficient state of our means for manning the navy. There was an additional sum of £162,438 for artificers in Her Majesty's dockyards. His noble Friend stated, that sixty-four ships would require repairs in the present year. [Lord Clarence Paget said, there were generally about fifty-three or fifty-four ships requiring repairs annually.] There never had been any such extra charge for any such service before, and he did not understand why it had been made now. A new word had been introduced into the Estimates. A charge was made for the superintendents of the dockyards and their "retinue," thirty in number. Did the superintendents propose to make circuits of the dockyards, with drums beating and colours flying, and were these accompaniments to constitute their retinue?

Sir HENRY WILLOUGHBY asked for an explanation of an increase of £13,000 in the third article of wages, the number of commissioned officers and men being less.

Admiral WALCOTT said, he shared in the regret which had been expressed by many hon. Members at the proposed reduction of 2,000 boys. In the war from 1793 to 1815 we had recourse to the merchant navy, to the assistance of apprentices, and to the collier vessels, but we could not look to large assistance from those quarters now. The Admiralty deserved the highest commendation for having placed training ships at our large mercantile ports in order to obtain a promising set of young men for the navy; and the training ships were of the utmost value. On board of those ships the boys would be trained in habits of industry, cleanliness, self-respect, discipline, and subordination, and when they entered the navy would become attached to it, and would not desire to leave it, and in the course of four or five years they would be among our most promising men, upon whom the country might rely in any emergency. He would earnestly express his hope that if it should be found disadvantageous to the service to reduce the boys, their number would be quickly restored. The hon. Member opposite (Colonel Sykes) had remarked upon the large number of ships, sixty-four in all, that would be put under repair this year. But a cloud was gathering in the horizon, and remembering that our commerce was equal to that of every other country in the world, and that there was no water upon which the British flag did not float, it was absolutely necessary for the protection of that commerce that our navy should be everywhere. The Admiralty were under the necessity of calling home the vessels after a time, and, therefore, it was easily to be understood how in the course of the present year sixty-four vessels might return home. As it was a moral impossibility for any man to tell beforehand what they would cost in repairs, they were obliged to take a round sum for the purpose; but if the whole of the money was not spent it would be accounted for in the next Estimates. Under all the circumstances, it was to be hoped that the Admiralty would look to the efficiency of the service, and not too closely count the cost, so that at all times the country might rely on the naval service for the maintenance of its reputation and honour.

Mr. AUGUSTUS SMITH asked, how it was that, while the number of men was reduced, the number of officers was increased? Last year there were 3,661 principal officers for a larger number of men, and in the present year there were 3,667 for a smaller number, besides an additional expense on this head of more than £15,000. The increase also extended to the case of the subordinate officers, who numbered 842 for last year and 857 for the present. The same was the case with the warrant officers.

Mr. C. P. BERKELEY observed, that in the Estimates of the present year the account of naval old stores, money, &c., applied to the period between the 1st of April, 1862, and the 31st of March, 1853; but in last year's Estimates the account appeared to have been made up between the 1st of January and the 31st of December, 1862. This discrepancy ought to be explained, as it would otherwise seem that three-fourths of the money for old stores, &c., had been received twice over.

SIR FREDERIC SMITH said, the hon. and gallant Member for Aberdeen had complained of the number of men to be employed during the year. [Colonel SYKES said, he did not complain.] He was glad to hear the disclaimer. As for himself, he saw with regret any diminution in the number. He also regretted the proposal of the noble Lord the Secretary to the Admiralty, to reduce the number of boys. No man valued the merchant seamen more highly than himself, but they were of less value now to the fleet than formerly, when the navy consisted entirely of sailing vessels. In the present day, the fleets of Europe were manned by seamen gunners, and the motive power being steam, the ships did not need to have the same description of seamen as formerly. It was therefore important that the British fleet should be manned by persons well qualified as gunners. A smart seaman from the merchant service was not equal to a boy trained up for the navy, who knew every part of the ship, who was qualified for a gunner, whose education, too, was superior to that of a merchant seaman, and who was better disciplined, for the discipline of the merchant service was a different thing from that of the navy. He should, however, be very sorry to stop the stream from the merchant service to the Queen's service; but the right time for bringing the merchant seamen into the fleet was the period of war, and during peace they should be left to the duties of their own service. If they adopted the system of bringing merchant seamen into our ships of war at once, they would raise the rate of wages in the merchant service; and he should, therefore, be glad if the noble Lord would ask the House to Vote 1,000 more boys. The noble Lord had told the House that the conduct of the sailors in the fleet was most admirable, and it could not, he believed, be surpassed. That, then, was a reason for keeping up a disciplined force, and the present were certainly not times to part with the naval strength of the country or with the Militia. The noble Lord very wisely contemplated to add to the navy a force of artificers or mechanics, but appeared to be in doubt whether to attach that force to the seamen or to the Marines. In his opinion, they ought to be attached to the Marines. If they were attached to the seamen, when a ship was paid off the artificers would be dispersed, and the country would lose their services; but if they formed an integral part of the Royal Marine corps, they would remain with that force during the whole period of service, and when a ship was paid off they would go to their division, their military discipline would be kept up, and they might be, until placed on board ship again, employed in the dockyards. He recommended that these military artificers should be taught the art of diving, as sappers used to be trained at Chatham, and there would then be on board the iron-clad ships men competent in harbour to inspect the ships' bottoms, and even to clean them from barnacles. The noble Lord had had his attention directed very much to Lock Hospitals, or to Lock wards in some hospitals; but the noble Lord seemed to be in doubt as to what else to do. He would tell the noble Lord that the next step to having Lock Wards, was to have refuges for the fallen wherever there were Lock Wards. Many of the fallen in the ports might be rescued by the expenditure of a small sum for this purpose. The noble Lord drew a lamentable and heart-rending picture of the ravages of a particular disease, and it was to be hoped that he would turn his attention to this important subject, and endeavour to raise the fallen as well as to cure the sick.

MR. BENTINCK said, he had listened with great pleasure to the statement of the noble Lord the Secretary of the Admiralty, and he should have listened with still greater pleasure if he had announced that it was intended to add to rather than diminish the number of men in the navy, and to make greater exertions to increase the number of armour-plated ships. In consequence of the existence of the Naval Reserve, the number of men was of less importance than it used to be; but, under present circumstances, he did not think that 3,000 men was a sufficient naval force for us to have in our home ports. [Lord CLARENCE PAGET: These men were not included in the Naval Reserve.] He knew that; but he contended that such a number, even coupled with the Naval Reserve, was not sufficient to meet the contingencies which might shortly arise. His opinion was that no reduction in the number of men ought to be made; on the contrary, he believed that both the House and the country would cordially have supported a proposal for increasing the number of men in the navy. The question of ships was of still greater importance. His noble and gallant Friend stated, that at the end of this year we should have nineteen, and in the course of next year twenty-five armour-plated ships, and the noble Lord spoke of this as a marvellous exertion on the part of this country. Now, in his (Mr. Bentinck's) opinion, the exertions that had been made were not adequate to the wants of the country. Wooden ships were now so entirely useless for all purposes of warfare, that what this statement amounted to was, that in the course of next year we should have a navy of twenty-five ships. That was a most unsatisfactory, a most melancholy statement, and he regretted that the Government had not come boldly to the House and said that they intended building a new navy. This year his noble Friend had, rather to his disappointment, omitted his usual comparison between our naval strength and that of France. France was the only Power in the world which was capable of rivalling us upon the sea, and therefore we ought to bear in mind what was the actual navy of this country. He should be glad to see the realization of that state of things which the hon. and gallant Gentleman the Member for Aberdeen (Colonel Sykes) imagined to exist at the present moment—namely, that our navy should equal those of the whole world. Unfortunately, that was not the case now. [Colonel SYKES: Figures show it.] Figures were not always to be relied on, and the hon. and gallant Gentleman had been completely misled. Nothing could be more delusive than the statements made by the hon. and gallant Gentleman as to the strength of the French navy. He said that the French had only 214 ships, while we had 592. That might be so, but considering the duties which the extent of our colonial empire and our commerce imposed upon our navy, we required, even in time of peace, five or ten times the navy of France. The hon. and gallant Gentleman dwelt upon our twenty-five armour-plated ships. Those vessels might form the nucleus of a very fine navy; but to attempt to perform with them all the duties of our naval force was idle and absurd. You might as well attempt to do them with a collier brig. The hon. and gallant Gentleman had been much misled by the information which he had received upon the subject of transports. He said, that the French had only a few transports of 800 tons burden. Why, he himself had been on board a number of fine screw frigate built ships of 2,000 tons' burden intended especially for cavalry transports. Two years ago there were forty of these vessels, and he was told by the authorities of Rochefort that they hoped to have upwards of eighty; they hoped to name one after every Department in France. [Colonel SYKES: That is not in their Budget.] His hon. and gallant Friend said, that the French had only 44,000 sailors afloat. Was he not aware, that by reason of the maritime conscription, they could in forty-eight hours procure any number of men who had been trained to the sea for years? The hon. and gallant Gentleman, it was true, quoted the French Budget in support of his statements, but it was notorious that that Budget was a farce so far as related to the affording information as to the expenditure of the Imperial Government, which could command any amount of money for the prosecution of any object which it sought to accomplish. We must, therefore, form an opinion with respect to the strength of the French navy, not so much from what was said on the subject, as from what hon. Gentlemen could learn in the dockyards of France from actual inspection. For his own part, he looked, under all the circumstances of the case, at the reduction of our military and naval force as a measure based upon a system of wretched parsimony, which seemed to be so greatly favoured by some Members on the other side, but which would ultimately lead to enormous expense.

MR. BAXTER deprecated these attacks on the Government for reducing the expenditure connected with the navy. Hon. Gentlemen who, like the hon. Member for Norfolk (Mr. Bentinck), were continually crying "wolf," and who seemed to revel in such excitement as that which was created some time ago by the panic of a French invasion, appeared to be anxious for such an increase of taxation as it was impossible the country could bear. He, for one, should protest against that state of feeling, because he believed it to be unworthy of us as a nation, and because he felt quite assured that, whenever real danger arose, nothing would be left undone to repel it from our shores. In order that we might do that the more effectually the policy of Great Britain ought, in his opinion, to be to husband her resources in time of peace, and that being the view which he took, he saw no cogent reason why the Government should propose to keep up even so large a naval or military force as that which they now asked the House to sanction. He knew no reason why the Government should have asked for so large a number of men either for the army or the navy as they had done; but he would accept the small reduction they had made as an earnest of the principle he advocated. He must also express his satisfaction that the noble Lord the Secretary for the Admiralty had omitted to make that comparison between the French navy and our own to which the hon. Member for Norfolk referred. That to him (Mr. Baxter) was one of the chief recommendations of the noble Lord's statement. No good result could, he thought, arise from the annual adoption of such a course. But he might, in corroboration of what fell from his hon. and gallant Friend the Member for Aberdeen (Colonel Sykes) be allowed to state that, while similar statements had been over and over again made in that House by the hon. Member for Sunderland (Mr. Lindsay), the hon. Member for Rochdale (Mr. Cobden), and by himself, a friend of his who had gone to France, and who was connected with our volunteer force, had informed him that, in comparison with those of England, he found Cherbourg and the other naval ports of France comparatively deserted. We had altogether 592 vessels afloat and 38 building, and that number—630—represented very closely the aggregate of the navies of the other Powers, excepting the vast flotilla which the Federal Government had improvised for a special purpose, and which was not fitted for ocean service. Surely the hon. Member could not mean to say that in the event of war we should commission only the 25 armour-plated ships; for there could be no doubt that our 59 wooden liners and our 57 large frigates would be able to do excellent service of some kind or other. The continual cries for an augmentation of our naval as well as military forces were absurd, and would lead, if they were carried out, to dire financial embarrassment. He thought that very great reliance should be placed upon our reserves. The hon. Member for Norfolk had complained that his hon. Friend the Member for Aberdeen had left out of his reckoning the maritime conscription of France, and that France could within forty-eight hours get any number of men she required for her navy. But the truth was the maritime conscription had proved an utter failure. It had been found that the reserves could not be called up effectually, and the French Government were at that very moment considering what other system could be substituted for that which had been so often used as a bugbear in the House of Commons, but which had now so lamentably broken down. For his own part he did not believe that an efficient naval reserve could be successfully established where the population was not fond of the sea, and that was certainly the case with the French. He did not believe they could by any means maintain a naval reserve worthy of mention in comparison with the naval reserve of England. No nation had such advantages in this respect as England, with her magnificent merchant navy, and almost inexhaustible supply of able seamen—to say nothing of the great number of magnificent merchant steamers, which in the event of war could for many purposes be used as vessels of war. He believed that our system of naval reserves was one of the best systems of defence that had ever been instituted, and if fully carried out it would place a most powerful weapon in our hands. He was glad to observe an increase in the Vote for the Royal Naval Reserve, as he held that it was by such means we ought to strengthen our maritime power. The tonnage of the port of Dundee was 48,078, and at that port there were no fewer than 859 seamen who were enrolled members of the Naval Reserve. Now the tonnage of England by the last Return was 3,969,356; of Scotland, 642,337; and of Ireland, 238,504; making a total of 4,860,191 tons; and if the whole country supplied men in the same proportion as Dundee the Naval Reserve would number 90,605 men. He was glad to find not only that the Reserve was very popular among the merchant sailors, but that those who had joined it had undergone a great improvement both in appearance and habits. He did not join in the complaint that the Government was not building more large iron-plated ships, for it was to be feared that they might fall into the same mistake as the right hon. Baronet (Sir John Pakington) when he built new line-of-battle ships—that of having too many ships of a particular class. Entertaining this view, he was pleased to hear that the Government proposed to build some ships upon the twin screw principle; and he also wished to impress upon them the necessity of having afloat a number of very fast frigates of such speed as to be an effective police of the sea capable of catching any *Alabama*, if foreign countries should in time of war imitate the deplorable example which we had set, and fit out such vessels to prey upon our commerce.

Sir JOHN PAKINGTON said, that having on a former occasion expressed his opinion in regard to this Vote, he rose only to correct a mistake into which the hon. Member (Mr. Baxter) had fallen with regard to himself (Sir John Pakington) and the Government with which he had been connected. The hon. Member had said more than once—what had been previously said in the House, and also out of doors—that the naval administration, of which he had had the honour to be the head, had continued to build wooden line-of-battle ships at a time when a great change was impending in naval construction. The fact, however, was not so; he believed the fact to be, that during the period when he had the honour of being connected with the Admiralty, they commenced the building of one, and only one, line-of-battle ship. When he and his colleagues entered on their duties they found that the navy of this country was far weaker than it ought to be; and it therefore became their imperative duty to strengthen it; but the mode which they adopted was to place screw steam-engines in such line-of-battle ships as were fit to receive them, and to hurry forward to completion other ships that had been already commenced building. During that time they also determined to try a somewhat anxious experiment, that of building armour-covered ships. They commenced building the *Warrior* and the *Black Prince;* but it must be remembered that at that time building such ships was entirely an experiment, and he had no doubt that the noble Lord the Secretary of the Admiralty would agree with him that until after the *Warrior* had been to sea no man could say whether a ship could safely go to sea in all weathers with 1,200 tons of armour upon her top sides. He was sure that hon. Members would acknowledge that any Board of Admiralty would have been deeply to blame that allowed the navy to remain in a weak and defective state, merely because there was an experiment to be tried which might or might not be successful. In fact it did succeed, and the existing Board of Admiralty had most properly built other armoured ships; but if the Board with which he had acted had neglected to strengthen the navy pending the experiment, and had adopted no precautions in case of failure, they would, in his opinion, have neglected their duty.

Sir JOHN HAY wished to allude to one or two observations which had fallen from the hon. Member for Montrose (Mr. Baxter). The hon. Member urged upon the Government that it would be desirable, in the event of hostilities, that wooden line-of-battle ships should be sent out to protect the honour of England. But he (Sir John Hay) trusted that those ships would not be used for such a purpose. It would be most unfortunate if we should be compelled to meet the fleets of Europe with such ships, and nothing else. An experiment had been tried at Shoeburyness which was conclusive upon the point. A wooden frigate, the *Tartar*, had been fired at with a 100 lb. Armstrong gun, and before a dozen shells were fired she was in such a state that it was found impossible to extinguish the flames. The same thing might occur to any other wooden ship. With only seven iron-plated ships, it might be necessary to risk our reputation and the lives of our men in wooden line-of-battle ships, but it would be a great misfortune if we were compelled to do so. He had understood from the Secretary to the Admiralty, that there were 2,510 men disposable to be put on board ship at any moment. On the other hand, it had been asserted that during the present month some difficulty had been experienced in manning the *Duncan*, the flagship of Admiral Hope, and that the crew was actually completed by drafts from the coast-guard ships; and, assuming that to have been the case, he should like to know why the Admiralty did not draught some of the 2,510 men into the *Duncan*, instead of drawing upon their reserves. He also understood that pensioners were again being entered for the Reserve, which would seem to show that the coast-guard ships were not so easily manned as to make it advisable to trust to the merchant service, instead of to the boys hitherto kept in training. At the present moment the walls of Portsmouth were covered with placards announcing that men were wanted for the navy, and intimating that merchant seamen were received on board the *Victory*. In such a dearth of men, he could not understand why the Admiralty should reduce the number of boys under training for the navy.

Sir FRANCIS BARING said, that the hon. Member for Norfolk (Mr. Bentinck) seemed to object to reduction in the abstract, for he always rose when the Estimates were brought forward, and deeply regretted that the Government had not asked for more. He (Sir Francis Baring) had himself no such objection; but he quite concurred that it was the duty of the Government—

looking to the circumstances of the time—to have the navy of this country upon a safe and honourable footing. After the statement of the noble Lord (the Secretary of the Admiralty) it appeared to him (Sir Francis Baring) that never was the navy, especially as regarded men, in a more satisfactory state. The great difficulty had always been to find men upon the breaking out of war; and he did not think that at any time in our history had we been better able to meet this difficulty than at this moment. As to building ships, it was not an easy question to decide: he believed that very few people would venture to prophesy what sort of ships would be required ten years hence. But the duty of the Admiralty was to be always prepared to meet any foreign attack; beyond that he should be very sorry to see them go. He believed that if the Government took the advice which was given and built a large fleet of any particular kind of ships, as the hon. Member for Norfolk seemed inclined to recommend, they would find before ten years were over that they had wasted a great deal of money, and would have to commence anew. In a state of uncertainty it was the duty of the Government to be provided even with wooden ships; and he was far from blaming the right hon. Baronet (Sir John Pakington) for having built wooden ships when it was thought that they were adequate. The same observation applied to guns. He was not surprised at the difficulty of finding men at this moment, for he had always contended that the continuous service system, whilst it would work well in time of peace, would break down in time of war, because when they were obliged to have recourse to the merchant marine they would find there but very few men who had ever served on a man-of-war, or knew anything of its duties. He admitted that the system of reserve met this difficulty to a great extent; but they must not be surprised to find, upon war breaking out, that they would have to draw largely upon the mercantile navy, that there was considerable difficulty in getting men, and that the men they got were perfectly ignorant of the service. Upon the subject of naval barracks, he must say that he was not sanguine. Under the old system the men were not in barracks, but afloat; and he doubted whether putting sailors in barracks would be found economical; and he also doubted whether the men in barracks would be as efficient and as well disciplined as those that were kept on board ship.

LORD CLARENCE PAGET said, he would first reply to the numerous questions addressed to him. The hon. Baronet the Member for Evesham (Sir Henry Willoughby) had just remarked that though there was a considerable reduction in the number of men, there was only a very small reduction in the Vote for pay. There was a reduction of upwards of 4,000 in the number of men, but the Vote for pay was reduced by no more than £47,000. The explanation was that employment of smaller crews increased the pay per man, because there was a larger number of officers of all ranks in proportion to men. Another reason for the increased expense was, that the Admiralty were increasing the pay of some classes. The pay of ship's stewards required an increase in the Vote of £8,873, and chief stokers were also getting a higher rate of pay. There was also an increase of allowances here and there to officers of some classes who were before inadequately paid, and thus there was a tendency to increase the cost per head. The arrangement tended to procure more efficient men; and with the improvements in the merchant service, he must warn the Committee that the expense would go on increasing. The hon. and gallant Officer the Member for Wakefield (Sir John Hay) was desirous to make a Motion to increase the number of generals of Marines, but not being in order he was very properly prevented making his Motion. He (Lord Clarence Paget) professed great attachment to the corps of Marines, and therefore he did not like to pass the subject over without remark. The Government had shown their desire to improve the condition of that magnificent body of men, and the hon. and gallant Officer had not stated what had been done for the Marines since the number was increased from 15,000 to 18,000. The Committee ought not to forget that an Inspector General of Marines had been appointed — a very necessary appointment for the good of the service, but at the same time of advantage to the officers generally, as it tended to promotions; and last year the Government appointed five colonels of divisions. General officers of Marines were not in the same proportion to general officers of the army; but he did not wish the impression to be conveyed that the Marines had been altogether overlooked. Another question had been put with great ingenuity, and it was a very little question, based upon the assumption that, whereas he had stated they had 2,500 men in reserve, there was great difficulty in manning the *Duncan*. That was not the case. They had no difficulty in manning the *Duncan*, because they had this number of disposable continuous service seamen of the navy; but they were anxious that there should be a flow of merchant seamen into the navy: still the difficulty was apparent from the fact that although, as the right hon. Baronet the Member for Portsmouth (Sir Francis Baring) had stated, the Government had a notice at Portsmouth inviting able seamen of the merchant service to enter, there were none to be got. What they were still more anxious to get was an increased corps of artificers; and he had told the Committee very frankly that they were badly off for artificers. But as to the *Duncan*, they could have put as many men again on board if they had chosen to draw upon the Reserve of disposable continuous service men. Then the hon. and gallant Member who made the inquiry about the *Duncan* also said they were obliged to appoint pensioners to harbour ships. They had appointed pensioners to harbour ships —but why? Because the pensioners felt it to be a grievance that they were not allowed to serve in the fleet. The Admiralty did not wish them to be in the fleet, but to keep them as reserves; yet as to harbour ships, they thought it only fair dealing to have a proportion of pensioners out of consideration for them. The hon. and gallant Officer said that the Admiralty had been obliged to draw men out of the coast-guard ships. That was one of the reasons for which those ships are maintained. A certain portion of new men went into the coast-guard ships, and when they had served a year they were draughted off for service in the fleet. He explained all this in detail the other night, but he supposed the hon. and gallant Officer was not listening to what he said. His gallant Friend the Member for Aberdeen (Colonel Sykes) found fault with the "retinue" of the superintendents of dockyards; but the secretary, and flag lieutenant and clerks at the various ports connected with the personal retinue of the superintendent had always been voted in the Estimates. The gallant Officer the Member for Chatham (Sir Frederic Smith) touched upon another matter — one of very great and very melancholy interest, that of the Lock Hospitals, and submitted that aid should be given in reclaiming the unfortunate females. He (Lord Clarence Paget) alluded to the subject on Thursday evening, and from what he knew of the facts, and from what he knew of the sufferings of the men, he thought that anything which the Government could do would be well received in that House. But there was a distinction to be drawn between Sanitary measures and higher moral and religious questions. The Government were ready to undertake anything in relation to sanitary measures, but they could not profess to deal with any higher considerations. As to the forces of this country, when compared with other countries, it was no doubt a mistake to suppose that our French neighbours were not making great exertions. We had to look after our own navy so as to bring it to a proper position, and he did not think it very advisable to make comparisons between our navy and that of France, as it would certainly not lead to any good. All he could do was to assure the Committee, that in the exertions which the Government made year by year, they had their eyes upon what was going on in other countries, and he must add that he thought the progress which had been made was satisfactory.

Sir JOHN PAKINGTON said, there seemed to be some misunderstanding between the noble Lord and the Committee with respect to the number of men the Admiralty had disposable at home. The noble Lord on Thursday alluded in a very strong and a very satisfactory manner to the Admiralty having at their disposal 2,500 men in the home ports, and he said he thought that number below the proper mark; but he understood the noble Lord now to say that the fleet was manned from the coast-guard. Fearing there might be some misunderstanding, he begged to ask who and where were the 2,500 men referred to by the noble Lord.

Lord CLARENCE PAGET hoped the question would now be set at rest. He was disposed to diminish rather than exaggerate the number of men. On the 17th of February there were—men available in the ports, 840; men on leave, 759; men in the steam-reserve, exclusive of pensioners, 816; trained boys, available, 75; boys on leave, 71 — total, 2,561. The total was more than 2,500, and the Admiralty were not quite satisfied, thinking it should be brought up to 3,000. The number varied, and six weeks ago was as low as 1,500; but he had given the numbers on the 17th inst.

MR. ADDINGTON doubted the wisdom of the Admiralty in depending so much as they did for their seamen upon so precarious a source as the mercantile marine. That and the cutting off of the supply of boys were the main faults to be found with the present Estimates. To enable us to cope with other Powers we ought to have a large permanent body of seamen. He was sorry also to see so little done towards the erection of naval barracks either at Portsmouth or at Plymouth. There was not that attention paid by the Government to the domestic interests of the sailor as was shown in the case of the sister service. You could not place the same dependence, in a moral point of view, on the petty officers of the Royal Navy as you could in non-commissioned officers of the army, and this arose, in some degree, from the want of barracks for the former. Men were governed a good deal by kindness. There was not a barrack in the United Kingdom in which there was not something done for the education of the children and the comfort of the wives of soldiers; while, in contrast therewith, the poor sailors must see their families almost subsisting on charity.

COLONEL SYKES thought the observation of the hon. Member for West Norfolk (Mr. Bentinck), as to putting no faith in French Budgets, was tantamount to saying a French Budget was a gigantic fraud. Now, he (Colonel Sykes) had based his statements, respecting the French navy, on the French Budget, signed by the Minister of Marine. The last Budget, as laid before the Chambers, gave infinitely more details than our Navy Estimates, improved as they were, and afforded Members better means of testing the accuracy of the demands made by the department; yet, the hon. Member refused to place the least faith in it.

MR. BENTINCK wondered that a man of the hon. and gallant Member's acuteness could place implicit faith in the statement and figures put forward in the document which he had quoted. He (Mr. Bentinck) had not the slightest faith in French Budgets, for the simple reason that the French Chamber, to which they were submitted, had no control over them or over the general expenditure of the country. This was the result of the attempts to introduce liberal institutions in France. If a proof were wanted that these documents could not be relied on, it would be found in the fact that the hon. and gallant Member assured the Committee on their authority, that the outside tonnage of the French transport ships was 800 tons. The hon. and gallant Member had been imposed upon; for he himself (Mr. Bentinck) had seen a large number of the very class of ships the existence of which the hon. and gallant Gentleman disputed, and the French authorities looked forward to having one of those large transports named after every Department in France. It had become a very favourite custom of hon. Gentlemen on the Ministerial side to accuse Members on the Opposition side of advocating wilful and deliberate extravagance. That accusation was wholly unjust. Hon. Members on his side had to bear their full share of the public burdens as well as other people, and were not likely to be in favour of squandering the funds to which they must themselves contribute as taxpayers. It was the best economy to maintain the efficiency of our armaments, the great source of wasteful expenditure being the cheese-paring system pursued in time of peace, followed, as it inevitably must be, by a sudden and enormous outlay in the event of emergency.

MR. LAIRD could confirm the statement of the hon. Member who spoke last (Mr. Bentinck) as to the size of the French transports. He had himself seen such a vessel in France of about 3,000 tons, or from three to four times the size named by the hon. and gallant Member for Aberdeen. The right hon. Member for Droitwich (Sir John Pakington) had been charged on the other side of the House with extravagance during his tenure of office at the Admiralty. Now, he (Mr. Laird) had looked over the Estimates, and he found that since the noble Lord came into office £58,000,000 had been spent upon the navy, and for such a vast sum the country was entitled to some return. He found that the naval expenditure in 1857, 1858, and 1859 upon various items, including the building and fitting out of ships, was £9,678,500; whereas in 1861, 1862, and 1863, when the noble Lord was Secretary to the Admiralty, the same expenditure amounted to £14,659,000; being an excess during the noble Lord's tenure of office of nearly £5,000,000 sterling over the three years preceding. That was, in some degree, an answer to the charge of extravagance brought against the right hon. Member for Droitwich and the Opposition generally. The total amount expended, from 1860 and including 1864, for the dockyard establishments at home, and abroad, wages of artificers, &c., was £24,000,000. It had always been alleged that wooden shipbuilding had been put a stop to, except those ships which were to be iron-cased. This year we should have seventeen armour ships afloat, and they represented between £5,000,000 and £6,000,000, leaving about £18,000,000 to be accounted for, which could not all have been spent in repairs. He hoped the hon. Member for Halifax would give some explanation of this.

MR. STANSFELD, in reference to a question put by the hon. and gallant Member for Gloucester (Mr. C. Berkeley) as to a seeming inconsistency between these accounts and those for previous years, said that the accounts for old stores in the Estimates for 1863-4 contained the old store monies, including the sums produced by the sale of old ships, paid quarterly into the Exchequer between the 1st of January and the 31st of December, 1862. In this year's Estimates it had been thought better not to take the account over to the Exchequer, but to carry on an account during the financial year 1862-3. The hon. and gallant Gentleman was right, therefore, in saying that nine months of the former account was included in the present Estimates, but the Committee should know that it was customary to pay over their balances only quarterly, and the time which the accounts overlapped each other was not three, but two quarters. The net result was this, that this year's accounts included about half the time of last year's.

MR. LINDSAY said, he had expected that the hon. Gentleman (Mr. Stansfeld) had risen to make the statement as to the accounts, the desire to hear which had induced him to move that the Chairman report Progress the other night. [MR. STANSFELD: It will come on Vote 8.] He certainly thought that the Committee ought to have it before any Vote of money was taken, considering the increase which was asked for on the dockyard expenditure. He was, on the whole, well satisfied with the statement of his noble Friend, with the exception of Votes 8 and 10. With regard to the reduction of men, he thought it was a wise and judicious step. The continuous system was all very well in time of peace, but in time of war we should have to go to the merchant service; and if the continuance service system kept merchant seamen out in time of peace, we should have great difficulty in getting them to enter in time of war, except, of course, it were a war for the defence of our shores, when the patriotism of our sailors would remove all obstacles. In 1858-9 there was great difficulty in getting men for our ships, in fact, it took four or five months to get a crew—now it was done in less than a month. He was glad to be able to endorse the statement that our fleet had never been in a more efficient state than at present. Some little time ago he happened to be in the Tagus when the Channel fleet was lying there, and it was impossible to conceive a fleet in finer condition than he found it. Flogging in the Channel fleet was nearly totally unknown. The men seemed full of respect and even devotion to their officers, and the officers seemed devoted to their men. One thing pleased him very much. He noticed that the officers in the ships he visited seemed to know all their men by name. The old "Come, you Sir!" had gone quite out of fashion; it was "Thompson or Jackson, do so and so." He was also glad to observe that on shore there were fewer of those scenes of drunkenness which he had witnessed on former occasions. Jack hired his donkey for a ride and had his fun in other harmless ways, and would return to his ship at night or in the morning ready for duty; but there was very little drunkenness. If the hon. and gallant Member for Aberdeen had really said that the French had no transports above 800 tons, he must have made a mistake, for he himself had been on board French transports of from 2,000 to 3,000 tons. But this was a branch in which it was only natural that the French Government should wish to supply its previous deficiencies. The hon. Member for West Norfolk was of opinion that we had not enough either of ships or men; but why did he not say what, according to his idea, would be sufficient, so that the Committee might know what he wanted? He himself during the Crimean war had had under his own management, on an average, about 100,000 tons of shipping employed as transports for the conveyance of French troops from Marseilles to the Crimea — some of them British ships, and some of them American. It was very curious, by the way, that some of the men in New York who made the greatest outcry against our violation of neutrality were the owners of ships which in the Crimean war carried French troops to fight against a country which at that time was a friendly ally. France, however, was only supplying herself with that which she wanted, and which we possessed to an extraordinary degree. Did the hon. Gentleman the Member for West Norfolk really mean to say that he did not believe in the accuracy of the accounts laid before the French Minister of Marine? From these Returns it appeared that the French had got 214 ships in all, including transports; whereas, we had 630 ships, and our vessels were very much larger than those of France. We were not only superior to France, but equal to the whole world. The hon. Member for West Norfolk desired that at all times, and under all circumstances, we should be in a position to cope with the whole world. [Mr. BENTINCK: Yes!] He did not think the House and the country went so far. He thought they would be satisfied if we should be able to cope with any two of the great maritime Powers. Though he was, on the whole, satisfied with the state of our navy, he was not content with our dockyards. When the Royal Commissioners were conducting their inquiries, it appeared clear that we did not get as much work out of the men in our dockyards as we had a right to expect. It was perfectly true that we never could expect to get as much work out of them as was got out of workmen in private yards, where the owners had a much greater interest in the quantity of work done than overseers in the dockyards could be expected to have; but he wanted to know whether the Admiralty had ever attempted to throw in any of the private element. That could easily be done. Again, he should like to know whether the reduction of which the noble Lord the Secretary of the Admiralty had spoken was real or merely nominal. The noble Lord had spoken of his anxiety to increase the remuneration of officers. He presumed this was to be provided for in a supplementary Estimate. If it had been provided for in the Estimates then before the Committee, perhaps the Estimates of the present year would not compare as favourably with those of past years as they did in their present shape. Before the Committee went further, he should like to hear the promised statement of his Friend the Member for Halifax (Mr. Stansfeld.)

LORD CLARENCE PAGET said, that when the Committee came to the proper Vote for considering the matter referred to by the hon. Member for Sunderland, a clear statement would be given by his hon. Friend.

MR. LINDSAY held that one Vote bore on the whole of the Estimates, and that his hon. Friend's statement would be more appropriate on the Vote before the Committee than at a later period.

MR. STANSFELD could assure his hon. Friend that, if he would only have patience, nothing would be withheld from the knowledge of the Committee. On one of the Votes a large increase of money was asked for; and the Admiralty must, of course, give reasons for that increase.

Vote *agreed to.*

(3.) £1,304,119, Victuals and Clothing.

Vote *agreed to.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £168,605, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1865."

MR. LINDSAY asked for some explanation. The Royal Commission had alluded in very distinct terms to the reforms necessary in the offices of the Admiralty.

SIR MORTON PETO wished to know the intention of the Government with reference to consolidating the Admiralty Offices at Whitehall. A division of the offices in two separate buildings was an acknowledged evil.

LORD CLARENCE PAGET was not at all disposed to retire from what he had stated last year. It was most important that all the departments of the Admiralty should be under one roof, as he believed such an arrangement would be productive of ultimate economy and increased efficiency. All he could say, however, was that the expenditure for increased armaments and iron-plated ships had been so great, that he had not yet been able to place a Vote upon the Estimates for the purpose of concentrating the departments. He hoped, however, that some time or other steps would be taken to arrive at that consummation. The hon. Member for Sunderland wanted to know why the Board of Admiralty had not been reorganized. The Report of the Royal Commissioners had been very carefully considered by the Government, but they were not of opinion that sufficient reasons were shown for upsetting the present system.

Sir MORTON PETO said, he was not satisfied with the noble Lord's explanation. If an additional Vote were really necessary for the efficiency of the navy, he was convinced there would be no difficulty in obtaining the sanction of that House.

Sir FREDERIC SMITH inquired, whether any estimate had been made of the cost of bringing all the departments under one roof, and of the mode in which it was to be done?

Lord CLARENCE PAGET said, that two propositions had been made—one that the Admiralty should be removed entire to Somerset House, and the other that some additions should be made to the buildings at Whitehall, and the whole business concentrated in the Admiralty there. A question had arisen as to the amount of accommodation that could be afforded at Somerset House, and how it could be adapted for Admiralty purposes. The result was, that it would cost more to locate the Admiralty at Somerset House than to build an efficient wing at Whitehall, the estimate for which was about £150,000.

Mr. WALPOLE thought it due to the Admiralty to make one remark. For twenty years the money expended in some of the departments had been greater than the sum voted. The Public Accounts Commission had recommended that the transfer of accounts should not be made so freely as had been the practice—the supplying of Votes which were unpopular out of Votes which were popular. He was happy to find that, for the first time, the Admiralty had brought the expenditure within £2,000 of the Estimates for the year.

Mr. LINDSAY thought, that no sufficient reason had been given for not carrying out the recommendations of the Royal Commissioners. Unless he received a satisfactory answer, he should move that the Vote be reduced by £5,200, which was the total of the salaries of the junior Lords. He did not complain of the amount of those salaries, nor of the manner in which the present recipients performed their duties, but he objected to the system.

Mr. STANSFELD thought the question of the re-organization of the Board of Admiralty thus started was a large one, which could not be fairly discussed on a Vote like that now under the consideration of the Committee. As to the present constitution of the Board, he thought the hon. Member for Sunderland would understand that business could be carried on well in private firms where one partner was the executive partner, like the First Lord, and the other partners applied themselves to special departments. The objection of double or divided responsibility was hardly sound, because the First Lord was responsible for everything; but if it was desired that a special department should be placed under each Lord, such a change could easily be made.

Mr. LINDSAY wished all the heads of departments to be in direct communication with the First Lord of the Admiralty. What, he would ask, were the duties of the five junior Lords of the Admiralty? Were they to look after the Controller and the other heads of departments? If so, the work would be more efficiently done by the department, as he suggested, being in direct communication with the First Lord, who was responsible to that House. There was no Board required for the Admiralty any more than there was for the army, or any other Department of the State. He moved that the Vote be reduced by £5,000.

Motion made, and Question proposed,

"That a sum, not exceeding £163,405, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1865."—(*Mr. Lindsay.*)

Mr. BENTINCK said, he was perfectly astounded at the proposition which his hon. Friend, who was such a skilful naval man and man of business, had made. It was perfectly Quixotic. The First Lord of the Admiralty when he was first appointed knew nothing of his duties. The very language of his department was Greek and Hebrew to him, and the other Lords of the Admiralty were simply his dry nurses, and helped his feeble and tottering steps on his first entry into office, and yet his hon. Friend would cast all the responsibilities of the management of the navy upon such a Minister. Why, the First Lord of the Admiralty generally knew as much about navigating a ship as his hon. Friend did about navigating a balloon. The withdrawal of the salary of the First Lord would have been an intelligible proposal, for this gentleman was probably the most useless member of the Board; he was an inconvenience and an incumbrance. But no more ill-advised thing could be done than to take away the salaries of men who were the life and soul of the Admiralty.

MR. WHITE said, that the strongest argument against the constitution of the Board of Admiralty was, that its very existence now guaranteed that there should be a civil First Lord of the Admiralty, who did not know, and never would know, his duty. If the House desired to have a proper person to conduct the affairs of the Admiralty, that end was best attained by abolishing the Board. He should vote for the Amendment.

SIR HENRY WILLOUGHBY thought it was desirable that the Committee should hear what the improvements in keeping the dockyard accounts had been before they disposed of this Vote. He wished to know who was responsible for repairs. Vast sums were expended in the repairs of ships; the Committee tried to find out who was responsible in this department. They had asked Sir Baldwin Walker and Admiral Robinson, and were told to go to the dockyards; but at the dockyards they were told they had nothing to do with cost, but only with ship materials and wages. In all the vast outlays which must take place under this head was there no estimate? Did no one know what a thing was to cost? Sir Richard Bromley gave the very best evidence. He said, where work of £5,000 or £6,000 was to be done the cost was ascertained; but the vast expenditure on shipbuilding was undertaken without estimate and without check.

SIR MORTON PETO said, that in all private mercantile firms the various heads of departments were responsible to some one partner, who again was responsible to all the other partners. There was thus a well arranged and clearly understood line of action adopted. But at the Admiralty no one appeared to be responsible; no estimates were made, and there were no means of knowing what they were about. The noble Lord said the other evening, that a large expenditure would be incurred in the repairs of vessels coming home. Was there any careful preliminary survey conducted by proper persons as to the state and condition of each vessel, and the amount that ought to be expended? He was bound to say with his hon. Friend the Member for Birkenhead (Mr. Laird), that they did not get money's worth for what was spent, and until they had accounts which would enable them to check the various departments of expenditure, they would never have a clear or satisfactory view of their operations. They wanted that simplicity of scheme which characterized the working of mercantile firms.

LORD CLARENCE PAGET said, that in answer to the hon. Baronet the Member for Evesham (Sir Henry Willoughby), he should like to ask him who was responsible for the vast expenditure on barracks, fortifications, and the commissariat of the army? No doubt he would be told the Minister for the Army—and if the hon. Baronet asked him who was responsible for the navy, he would say the Minister for the Navy. The responsibility of the First Lord of the Admiralty was equal—he had heard it said, greater—than that of the Secretary of State for War. The hon. Baronet had gone back to the Controller of the Navy; but he forgot that the Controller had since been put on a much more proper and responsible footing. He would read a paragraph from the instructions which had been issued to the Controller of the Navy in order to prove this—

> "Your duties consist in the control of all expenditure incurred for the building, the repairs, and the outfit of vessels in Her Majesty's navy. These works, therefore, whether they be performed in the naval yards or by contract, are placed under your direction and management. For the discharge of these important duties you are invested with such authority as will enable you by the exercise of due vigilance to regulate the numerous sources of expenditure, for which you are responsible to the Board of Admiralty."

Could anything be more clearly defined than the duties of the Controller in this paragraph? He was responsible to the Minister for the expenditure in the dockyards, and he was invested with full powers with that view, being enabled to give orders to the dockyards, which before he could not do. It was said they made no estimates for ships; but what they were now doing was laying the foundation for that. Their object in going carefully into what the *Achilles* cost, was to enable them to make an estimate for succeeding ships. Nothing could be so fallacious as estimating for repairs going into dockyards. Gentlemen who had a yacht going into dock well knew it never would be turned out for the sum stated. It was notorious that an accurate estimate could not be given of the extent of repairs which would be requisite until the ship was "opened," and then it was discovered for the first time that this, that, and the other parts required to be replaced.

THE CHAIRMAN here intimated that the noble Lord was now discussing another Vote.

Mr. LINDSAY observed, that one Lord of the Admiralty took charge of finance; but what then were the duties of the Accountant General? Another looked after the stores; what, therefore, was the use of the Storekeeper General?

Mr. SEELY wished to know why the cost of our central department was £160,000, whereas the cost of the corresponding office in France was only £40,000. Perhaps the remarks of the hon. Gentleman who had just spoken might suggest an answer: we had two persons to do the same work.

Colonel SYKES said, on this occasion he was about to vote in opposition to his ordinary principles of economy. But he did so, knowing that where appointments were made to high offices on the ground of political influence or high connections, "nurses" were indispensable to the performance of the duties.

Question put.

The Committee *divided:* — Ayes 10; Noes 109: Majority 99.

Original Question put, and *agreed to.*

(5.) £300,718, Coast Guard Service, &c.

Colonel SYKES complained that this Vote, which professed to give the number and cost of all the men in the coast-guard service, in reality did not do so. In that respect the Vote contrasted unfavourably with the detailed information given in the French Estimates.

Lord CLARENCE PAGET said, that the Admiralty were anxious to show what each department cost the country. The hon. Member would find that the total charge of the coast-guard service was £721,697.

Mr. LYGON said, he could not understand how it happened that every year there was a Vote of £30,000 for building cottages for the coast-guard, without any sensible reduction in the Vote for rents and the hire of buildings occupied by the men.

Lord CLARENCE PAGET said, as the building of new cottages progressed, the item of allowances for lodgings would necessarily be reduced.

Vote *agreed to.*

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £71,276, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the several Scientific Departments of the Navy, which will come in course of payment during the year ending on the 31st day of March, 1865."

Lord ROBERT MONTAGU wished to know what had beon done towards the establishment of a Royal Naval College?

Lord CLARENCE PAGET said, that it was intended to establish a School of Naval Architecture. The Admiralty were desirous that the school should be open, not only to the pupils of the dockyard schools, but also to the public. With regard to the former, it was intended to choose some of the most intelligent and better educated youths among the dockyard apprentices, and to teach them the higher branches of mathematics. These youths would form a considerable portion of the Admiralty pupils of the new institution, and some of them would, it was hoped, become the future master shipwrights and draughtsmen of the Royal dockyards. All the advantages of the school would be open, however, to the public on payment of a fixed sum. The school would be placed under the Science and Art Department at Kensington, where apartments would be provided. Lord Granville would undertake the charge of it, with proper officers under him, and that would be a guarantee that the system of education required for the Admiralty students would be properly carried out. He did not wish to express too sanguine an opinion, but he had great hopes of the success of the proposed institution. It was proposed to ask for £2,300 this year, which would pay for preparing the rooms, and also for two lecturers and instructors. The Admiralty did not propose to put more than thirty students into the school at first.

Sir JOHN PAKINGTON inquired, when the School would begin, and under whose management it would be placed?

Mr. AUGUSTUS SMITH wished to know whether he understood the rooms for the new schools were to be built? [Lord Clarence Paget: No; they are built.] A worse situation for a naval school than Kensington could not be conceived. The Vote was one of those of which the House had seen too many. It was a small sum at the commencement, but it pledged the House to go on, and to incur, probably, a heavy expense in the end.

Lord CLARENCE PAGET said that, no doubt, a larger sum than £2,300 would be required when the School became developed. The apartments belonged to the Department of Science and Art, but they had been placed at the disposal of the Government. He had not himself seen the rooms, but he was told they formed a suite of apartments well adapted to the purpose. If the hon. Gentleman would move for the details connected with the expenditure of the proposed Vote of £2,300 he should be happy to give them.

MR. ALDERMAN SALOMONS said, that the School was to be opened to all qualified youths, but what was the use of placing it at the west end of the town when all the dockyards were at the east?

LORD CLARENCE PAGET said, that the very object of placing it at Kensington was that the School should be in some central place. The Admiralty were anxious to accommodate youths from Liverpool, Glasgow, and other maritime ports. They therefore selected London as a central place, and Kensington, because they did not wish the school to be too much under the shade of the Admiralty. Moreover, Kensington was chosen because there were eminent lecturers and masters already established there who would be very useful to the Students of the Schools, many of the subjects taught there being well adapted to the education of naval architecture. The School would be opened, indeed, quite as much for the public as for the Admiralty. At present there was no great establishment in this country for the education of shipbuilders, and it was high time, not only for the sake of the public, but for the sake of private shipbuilders, that youths should be enabled somewhere to acquire a scientific knowledge of shipbuilding. In answer to the right hon. Member for Droitwich (Sir John Pakington) he would state that the School was to be opened immediately, and that it would be placed under Dr. Woolley, one of the Government Inspectors of Schools. He would be assisted by the Controller of the Navy, who would represent the Admiralty, and by Mr. Cole. Between these three gentlemen the School would, he thought, be in very good hands.

MR. ALDERMAN SALOMONS: Why not have the School at Woolwich? There is plenty of science there.

CAPTAIN JERVIS said, that a School of Naval Architecture at South Kensington was mere rubbish. The pupils did not want mere theoretical knowledge, and they would no more learn shipbuilding at Kensington than they could learn anything else there. It was perfectly plain that this would be only throwing away the public money.

LORD CLARENCE PAGET said, he stated the other night that the six winter months of the year were to be devoted to the theory, and the six summer months to the practice of shipbuilding in the dockyards.

MR. C. P. BERKELEY said, that under the head of "Scientific Branch, extraordinary expenses," were some expenses which were very extraordinary indeed. There were "Galvanic contingencies," £100; "Subterranean apartment for magnetic instruments," £240; "Self-registering barrel for record of earth's currents," £50; "For determining the longitude of New Milford, in connection with the operations for measuring the great European arc of parallel from Valentia, in Ireland, to Orsk, on the Oural," £60—in all, an increase of £463 on the sums voted last year. Perhaps the noble Lord would give some explanation.

MR. AUGUSTUS SMITH thought the noble Lord's explanation about the Naval School of Architecture incomplete and unsatisfactory, and that the school, if established, might hereafter lead to unlimited expense. He wished to enter his protest against the proposal. He should move to reduce the Vote by £2,300.

LORD ROBERT MONTAGU did not think the hon. Member would have moved the reduction of the Vote if he were aware of the value of the proposed establishment. The old School of Naval Architecture had been given up; all the men who knew anything about naval architecture had been educated in that school; and if we were not to get a new supply from a new source, we should be totally destitute of persons capable of designing ships for the navy. He would give an instance of the value of such a school. Professor Wray, at Devonport, was the principal schoolmaster of the dockyard, and a short time ago Lloyd's Committee offered a number of prizes of £60 for the best designs, and no less than six of those prizes were carried off by the pupils of that Professor. The boys who carried off those prizes were the sons of working men, and they actually beat many men who had been employed all their lives in designing ships. That instance was enough to show the advantage of having a school of naval architecture.

MR. ALDERMAN SALOMONS said, that the old School of Naval Architecture was at Portsmouth, and he thought the new school should be placed in one of the dockyards.

Mr. AUGUSTUS SMITH asked, was such an establishment called for by the country? He should like to hear the opinions of hon. Members connected with shipbuilding on the necessity of such an institution, and if it were necessary, where it ought to be established with the greatest probability of success. But to found an institution of that kind in the particular locality named for it would be the commencement of the most extraordinary expenditure. Such an establishment ought to be at some such place as Portsmouth or Woolwich, and he, therefore, felt it necessary to take the sense of the Committee upon the question.

Mr. ADDINGTON said, he thought it desirable that young officers should know more of naval architecture than they did. He wished to ask, whether the noble Lord's attention had been directed to the circumstance that Naval Instructors were not required to pass any examination in steam, nor were naval officers until they had been six years in the service?

Mr. BUXTON inquired, why the old Naval School had been done away with?

Captain JERVIS asked, whether the pupils of the new Naval School were to meet with the same fate as those of the old School; and whether men who might have distinguished themselves were to look forward to being passed over by persons newly brought into the Admiralty? No one knew better the object of having this School at Kensington. It had been for many years on the cards to establish such a School there. If the Admiralty were inclined to bring forward a *bonâ fide* scheme, let the School be established at Portsmouth, or some other of the ports of the country where the pupils could obtain a practical knowledge of their business.

Lord CLARENCE PAGET said, the object of fixing the School at Kensington was upon these grounds. The old Naval School, which he regretted had been ever done away with, had failed in this—that there was no provision, no adequate outlet, for all the students that belonged to it. The wants of the navy proper were not sufficient for their employment. But it was contended, and with very great reason, by the Institute of Naval Architects, and urged on the attention of the First Lord of the Admiralty and himself by the right hon. Baronet the Member for Droitwich (Sir John Pakington), that it would be desirable to have such an establishment, in which the higher branches—not only the form of ships, but likewise the chymical properties of iron, and all those minerals that are requisite for shipbuilding—might be studied. If such a School were established, and kept up with a due regard to economy, it would, notwithstanding the alarm of the hon. Member for Truro (Mr. Augustus Smith), be of immense national importance. But the School at Portsmouth was felt to be a purely Government school, nor did the public generally benefit by it. In the present case it was proposed to provide for a certain number of students connected with the dockyards, and at the same time to invite the public to come to the School upon payment of a fixed sum, and enjoy all the advantages of the School. If the School were put at Portsmouth, or any one of the dockyards, it was thought by the Government it would have the air of an Admiralty establishment; but they did not want that, nor did they desire that the Admiralty should interfere with the details. To make it a national establishment, it was necessary that it should be placed in some central situation; and the question was, where could a central situation for it be found? Lord Granville took the matter up, and put himself in communication with Dr. Woolley, Mr. Cole, and others, and all agreed that South Kensington was the best place for the School. The institution at present there was eminently a school of art, and a great many branches of art were taught in it which would be useful to young persons studying shipbuilding.

Captain JERVIS desired to know what it was intended to teach specially in this school? The great object of a school of naval architecture must be to teach people to build ships capable of holding such guns as were required at the present day, but what opportunity was there at Kensington to test the displacement of water? It was absurd to teach a number of boys to draw lines upon paper. What was wanted, was to enable them to lay down lines for ships—to become practical shipbuilders—and that could not be done at Kensington. The proposition was mere rubbish. Mr. Cole was an able man, and had conducted the establishment at Kensington in an able way for the improvement of art; but he knew nothing about shipbuilding, and no person who knew anything about the subject would think of placing a school of naval architecture under him. Though this proposition came from the Admiralty, they did not, it seemed, wish it to be considered as emanating from them; and he desired to know, therefore, whether it was their intention to open the school to all the public?

Sir JOHN HAY believed the proposition to be a step in the right direction; but he wished the noble Lord to explain more fully what the summer vacation of these scholars was to be, and how they were to be occupied at the time when they were not at Kensington?

Sir BROOKE BRIDGES feared that, as during a portion of the year the students were not to be at Kensington, two establishments would be required instead of one. It appeared to him a most extraordinary proposition, that a School of Naval Architecture should be placed at Kensington. This was only the beginning of the expense, and the House would soon be asked for a larger sum. He should like to know what was to be the annual expense of the establishment?

Lord CLARENCE PAGET said, that the annual expense of this School, when developed, was calculated at £5,000. He did not like to tell the Committee that it would not cost more, because a certain percentage might generally be put on an estimate of that nature, and he should add that many supposed the School would ultimately be self-supporting. At Kensington, there were three class-rooms and a large model room; so that, instead of keeping the naval models shut up in a dark room at Somerset House, he hoped that the models would be neatly arranged in a fine room, specially adapted for the purpose, at Kensington. The Admiralty students would have a certain sum allowed them per annum for food and lodging. During the winter they would be studying at Kensington; and if the hon. and gallant Member for Harwich had been in a ship draughtsman's office and seen the beautiful geometrical problems and the various calculations there worked out, he would know that it required a good deal more scientific acquirement than the mere mechanical building of a ship, in order to become a naval architect; one was mere mechanical art, the other one of the highest branches of science.

Sir JOHN PAKINGTON hoped he might infer that the doubts entertained by the Committee with respect to this proposition referred rather to the locality than to the question, whether or not there should be a School of Naval Architecture. He could not express too strongly his conviction that for the interests both of the navy and the mercantile marine the establishment of a School of Naval Architecture was most necessary. He, therefore, hailed with pleasure the beginning made by the Admiralty. Whether or not Kensington was intended to be the permanent place for this school he knew not, but his belief was that it had been selected for the time merely from the accident that Lord Granville had it in his power to grant rooms there. So strongly was he convinced of the importance of such an establishment, that he anticipated that, as from all parts of the country students were sent to the Universities and the great schools, in like manner students would resort to the School of Architecture, wherever it might be established.

Mr. SEYMOUR FITZGERALD wished to know, whether placing the School at Kensington was a temporary or permanent arrangement? If the arrangement was intended to be permanent it was most objectionable. He thought that the proposition to place a School of Naval Architecture at Kensington permanently would be just as reasonable as to fix a School of Agriculture in the heart of London.

Lord CLARENCE PAGET was afraid that he could not undertake to say that the arrangement was only temporary. Was it likely that hon. Gentlemen representing the taxpayers of the country would permit him to bring in an estimate for building a college in another place?

Captain JERVIS wanted to know, whether the noble Lord would state what sum he proposed to allow for each of the Admiralty students in the school—because £2,300 appeared a small sum for the establishment, with a number of men living and lodging in London?

Motion made, and Question put,

"That the Item of £2,300, for School of Naval Architecture, and maintenance of Students in the same, be omitted from the proposed Vote."—(*Mr. Augustus Smith.*)

The Committee *divided*:—Ayes 15; Noes 100: Majority 85.

Original Question put, and *agreed to.*

(7.) £192,574, Naval Establishments at Home.

Sir MORTON PETO asked, what the Government intended to do with the dockyard at Sheerness, when the extensions and improvements of that at Chatham were completed?

Mr. Alderman SALOMONS inquired, Whether it was intended to discontinue

Deptford dockyard? He hoped that, if it was, the yard would not merely be shut up, but that the site would be disposed of, so that it might be occupied by private trade.

LORD CLARENCE PAGET said, that he could hold out no hopes that Sheerness dockyard would be abandoned, because, although not a first-rate yard, it was very useful for North Sea purposes. He could give no promise as to what would be done with Deptford; but he hoped and believed, that as soon as the extensions at Chatham had made such progress that the Government could do there the work now done at Deptford, it would be disposed of. This, of course, applied merely to the dockyard, and not to the victualling yard.

MR. ALDERMAN SALOMONS said, that his inquiry was limited to the dockyard. As an additional reason for the abandonment of that yard, he might state that, on visiting it a short time ago, he found a man employed in rooting up the grass which was growing between the stones.

MR. ADDINGTON asked for some explanation of the expenses of management of the naval asylum for lunatics at Yarmouth, which he saw exceeded those incurred in county lunatic asylums.

LORD CLARENCE PAGET said, that although there were not many lunatics in the navy, still a hospital was required for their reception. Formerly, Haslar was used for that purpose; but, as the accommodation there was required for other objects, they had been removed to Yarmouth.

MR. ADDINGTON thought that £3,000 was too large a sum to take for a hospital containing no more than 120 patients.

LORD CLARENCE PAGET said, he was afraid the expense was likely to increase rather than diminish.

SIR HENRY STRACEY said, that it was impossible that the hospital at Yarmouth could be maintained for a less sum than £3,000. No money could be better laid out than that which was expended on the Yarmouth Hospital. Dr. Ray, the head of the medical staff, said that the situation chosen was by far the best that could have been selected for the purpose.

Vote *agreed to.*

(8.) £37,666, Naval Establishments Abroad. Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again on *Wednesday.*

Mr. Alderman Salomons

VESTRY CESS ABOLITION (IRELAND) BILL—[BILL 15.]—COMMITTEE.

Order for Committee read.

(In the Committee.)

Clauses 1 to 4 *agreed to.*

Clause 5 (Every Vestry Clerk, Cess Collector, Beadle, Engine Keeper, &c., deprived of any Salary or Emolument by this Act, compensated).

On Motion of Sir ROBERT PEEL, words inserted providing that the rate to be levied for compensation in the City of Dublin shall not exceed one-halfpenny in the pound.

Clause, as amended, *agreed to.*

On Motion of Sir ROBERT PEEL, clause added giving power to Town Councils or Town Commissioners to award Compensation to Parish Officers for loss of salary, fees, or emoluments under the Bill, with an appeal to the Chairman of Quarter Sessions.

MR. HENNESSY moved a clause giving Guardians the power of maintaining deserted children out of the workhouse up to the age of twelve years.

SIR ROBERT PEEL said, that such a provision would be inconsistent with the Act of 1862.

Motion *withdrawn.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

POOR RELIEF COMMITTEE.

Motion made, and Question proposed, "That Mr. BULLER be added to the Select Committee on Poor Relief."—(*Mr. Villiers.*)

MR. LYGON said, that as his side of the House had not been consulted in regard to these additions to the Committee, he must move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Lygon.*)

MR. C. P. VILLIERS was not aware that there was any objection to the names. He would, however, only propose one—that of Mr. BULLER—to-night.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Ordered, "That Mr. BULLER be added to the Select Committee on Poor Relief."

DOCKYARDS COMMITTEE.

On the Motion of Lord CLARENCE PAGET, Mr. LEATHAM, Mr. LAWSON, Sir JAMES ELPHINSTONE, and Mr. HENNESSY were added to the Select Committee on Dockyards.

BILLS OF EXCHANGE AND PROMISSORY NOTES (IRELAND) BILL.

Bill to amend the Law relating to Bills of Exchange and Promissory Notes in Ireland, *presented*, and read 1°. [Bill 38.]

House adjourned at Twelve o'clock.

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HOUSE OF LORDS,

Tuesday, March 1, 1864.

SAT FIRST IN PARLIAMENT

The Earl STRANGE, after the Death of his Father.

BORROWING POWERS OF RAILWAY COMPANIES.—QUESTION.

THE EARL OF DONOUGHMORE said, that the other night the President of the Council had stated that the Government had under their consideration the propriety of bringing in a Bill for the purpose of carrying out the recommendations of a Committee of last Session with respect to the Borrowing Powers of Railway Companies. He (the Earl of Donoughmore) had since taken the question into consideration, and he was disposed to think that those recommendations would be insufficient without a general register of such transactions. He desired to ask the noble Earl, What were the intentions of Her Majesty's Government in reference to the recommendations of the Commissioners?

EARL GRANVILLE made some observations which were inaudible, but his Lordship was understood to say that the subject was under consideration.

UNITED STATES—NORTH AMERICAN ARMY—FEDERAL RECRUITING IN IRELAND.

MOTION FOR PAPERS.

THE MARQUESS OF CLANRICARDE, in moving, according to notice, for Copies of any Reports which may have been received by Her Majesty's Government respecting recruiting in Ireland for the North American Army, said, the enlistment of soldiers on the part of a Foreign State in this country involved a question of very considerable importance. It had, indeed, been always held, that a country could scarcely commit a greater infraction of the rights of another, or a greater breach of comity and international law, than by attempting to recruit for its own service citizens who owed allegiance to the other Power. It was, for other reasons also, desirable to know whether the Government were taking steps, in the instance to which his Motion referred, to maintain the neutrality of this country. In Ireland, in former times, the law upon the subject was very strict, for the offence of enlisting in a foreign service was punished with death, and three men were, in point of fact, executed in that country in 1749, because they had enlisted in the French service, though we were then at peace with the French people. The severity with which the offence used to be visited was, however, very properly relaxed in 1819, when the Foreign Enlistment Act was passed, and a milder law, in accordance with the spirit of the present day, introduced. The offence continued penal, but the severer punishments were abolished, and other precautions were adopted against British subjects enlisting in the service of foreign Powers; and when, in 1823, a Motion was made by Lord Althorp to mitigate still further the penalties of the Foreign Enlistment Act, the proposition was supported by the noble Earl now Secretary for Foreign Affairs. Having said thus much, he would shortly proceed to advert to the fact, that recruiting for the Federal States had notoriously been carried on in Ireland with very little check during the last two years, without, so far as he was aware, any serious notice having been taken of those proceedings by Her Majesty's Government. He should, therefore, like to know, whether any remonstrances had been made on the subject to the United States; and whether any steps had been seriously taken to put an end to a state of things with which, as far as he could form an opinion, the common law would be found sufficient to deal? He was not, in order to prove the existence of that state of things, going to quote newspapers or letters, relying, as he did, so entirely on the notoriety of the facts, that he should be surprised if any Member of the Government should rise in his place and contradict the assertion that agents of the Federal Government had been indirectly engaged in recruiting in various parts of Ireland. Now he had no very high opinion of the efficiency of the Irish Government in its present form as a machinery for Executive administration, believing, as he did, the Lord Lieutenancy, with all its paraphernalia, to be an inefficient obsolete office; but it was, he thought, impossible that the Irish constabulary, who were, as a body, honest and intelligent, and who endeavoured in spite of many impediments to do their duty, should be entirely ignorant of what was going on, and should not have made some reports on the subject to which he was adverting to the heads of the Irish Government, and that they in their turn should not have made similar reports to the authorities at this side of the water. It was impossible, therefore, that the noble Lord the Secretary for Foreign Affairs could be in ignorance on the matter—especially when there was scarcely a newspaper published in Ireland or in London in which some allusion had not, within the last year or two, been made to recruiting for the Federal army, as having been carried on in Louth, Tipperary, Cork, Carlow, Dublin, and other counties. Indeed, the noble Earl the Foreign Secretary himself, had adverted to the subject pointedly in his communications with the American Minister at the English Court, in which he stated, as appeared from the papers which had been published, and most truly, that if a balance were struck of the assistance given by British subjects, and by the supply of the munitions of war to the contending parties in America, that balance would be found to be greatly in favour of the Federal States. The noble Earl, no doubt, alluded not only to the Irishmen who were in the United States when the war broke out and then enlisted, but to those who had gone out from Ireland to America to enlist in the Northern Armies. If, he might add, he wanted further evidence as to the existence of recruiting in Ireland for those States, he might find it in the Returns of the Emigration Commissioners, who had, he understood, ascertained it to be an undoubted fact, that the emigration of single young men to the United States from that part of the kingdom had very much increased in the years 1862 and 1863 as compared with the previous years. Now, that was a very significant fact, when they considered that the vast proportion of assisted emigrants in Ireland were small farmers, with wives and families who would be useful to such emigrants in America. There could be no doubt that these young men were intended for the army, and not for peaceful industry, because British capital was not now being invested in America; and American capitalists were rushing to get army contracts, out of which they got more than any other investments. He would, however, in support of the case which he was endeavouring to make, mention one specific fact which had come under his own immediate observation. Not quite two months ago a man arrived at a central station in the county of Galway, and at once proceeded to make it known that he had come to engage some thousands of men and to take them across the Atlantic, tempting them by the offer of good pay. He made known his business to the publicans in the town where he first stopped, and then went on to another town and did the same thing, promising so much per head for every person whom they succeeded in engaging for him. The fame of his operations naturally spread, and several persons being anxious to obtain the "bringing money" for enlisting, the police properly thought they had a right to interfere, and he (the Marquess of Clanricarde), being in the neighbourhood, was the magistrate before whom the party was brought. It was then found, that instead of being an American, he was a native of a village within a few miles of the place where he was taken into custody. He had been in the American army, and had received a gun-shot wound, and had come home to pick up recruits for the Federal army. He said—and produced a paper to the effect—that he was enrolling labourers for a great industrial work in America, and he appeared anxious to assume the character of an American citizen and an American functionary. Now, it was very well known to their Lordships, but perhaps not to the persons this man engaged, that a contract made with an Irishman in Ireland would be worth very little in New York; but remembering the proceedings of the United States Government with reference to recruiting, their Lordships would agree with him that an Irishman landing in New York and wishing to repudiate the contract, would have very little chance of doing so. It was a remarkable thing that he had no more money about him than was sufficient for his personal expenses, and when asked to explain how, with such means, he was to engage the labourers and pay the publicans for their aid, he referred not to any great railway contractor or engineer, or other person generally found to be in connection with such schemes, but to the American Consul. The American Consul at Liverpool gave him, he said, a letter to the American Consul at Dublin, and if they were written to it would be found that he was solvent and well able to discharge all his engagements. The man was a little astonished when he told him that he should not admit his American pretensions, that he knew him to be an Irishman, and should treat him the same as any Irishman who hád never left his native village, and that the reference to American authorities would not avail him one jot. It was transparent that it was intended to evade or infringe our law. But how did the Americans act towards us in 1855, under circumstances, not indeed similar, but in some degree analogous? What was their doctrine when it was a question of paying the passage of, not American, but our own subjects home, or to some British Colony, in order that they might there, if they pleased, enlist in Her Majesty's army or navy? The whole of the papers have been laid before Parliament, and it appeared that at that time our Consuls at New York and elsewhere reported that a number of labourers out of employment, who were British subjects, had applied for means to go home, with the view of enlisting in the army or navy of their own country. Sir John Crampton, then Mr. Crampton, thought it right to take the opinion of an American lawyer upon the American law, which made it an offence to hire or retain any labourer for any employment or under any pretence to go beyond the jurisdiction of the States, in order that when there such person might be enlisted. In the opinion obtained, a case was quoted, in which the Supreme Court had held that the words "hire or retain" were susceptible of a very broad interpretation, and the lawyer stated that he was inclined to think they would be held to reach every case of payment for the removal of a person from the States; that the intent would be left to the jury; and that the Judge would be bound to tell them that no scheme could be devised which would allow the intentions of the law to be defeated. Accordingly, a person was tried under the law referred to, and for enabling a British subject to go to Nova Sevre, there to enlist in the British army or navy, he was sentenced to two years imprisonment and 100 dollars fine. The American Government withdrew the *exequaturs* of the Consuls, and insisted on the removal of Mr. Crampton, upon the ground of that law having been infringed — they would not allow us to send home our own men, because it might be inferred that when here, if they had no other employment, they would enlist; but now they were sending emissaries to Ireland to entrap, not their own, but our countrymen in their service. There was no parallel, although there was analogy between the two cases. We wanted British subjects sent home who were anxious to enlist in our service. The Americans wanted to inveigle and enlist British subjects in Ireland for service in the United States. Perhaps he should be told that the Government knew nothing of the case, and that it had never been reported to the Irish Government. He regretted that the wholesome practice of the Irish Government communicating with men of position in the country had been abandoned, and that they depended entirely on the police for information. The police had acted in this case, and therefore it was for them to have reported it. There was, however, no evidence produced by the police against this person, and therefore he (the Marquess of Clanricarde) discharged the prisoner with an admonition, and satisfied himself with taking steps which he thought would have sufficient effect to stop the man's operations in that neighbourhood. But he came next to a case as to which he was surprised that no papers had been laid before Parliament, because action had actually been taken on it—the case of the American cruiser, the *Kearsage*, which came into Cork harbour, and began to enlist men under the very nose of our Admiral, and almost alongside of our flagship. That certainly was rather more than could be stood. From the informations which had been taken on the subject, it was pretty well known what had happened. It was bruited about that the United States' Government were giving good bounties for men, and some of the idle seamen about Queenstown went on board. The vessel then sailed off for Brest, and on arriving there the men were put ashore and told that they might return if they liked and take service for three years. However, from some change—probably from change of orders—the men were returned to Cork, and then the Government prosecuted them under the Foreign Enlistment Act, and six of them were now held to bail. He wished to know, however, what proceedings had been taken against the United States' Government in the matter. It was a paltry thing to go merely against our own men. They were held to bail in £20 each, with one surety of £20 each, so that, if it suited the American Government, for £240 they could quash the whole transaction, and we should have no redress for this outrage committed on the dignity of this country by a Government which had insisted on the removal of Sir John Crampton, and had withdrawn the *exequatur* of our consuls on a much smaller pretext. It was remarkable that these men were dismissed in the American uniform, and we had heard that American uniforms were to be seen in other parts of Ireland, even in Dublin. He was not a believer in the existence of any disaffection in Ireland. Disaffection could not go to any great length without some cause for it, and no people had less grievances to complain of than the Irish from the Imperial Government. Ireland was, without doubt, the freest country in the world—not even excepting Great Britain. A man was free to say or do there pretty much as he pleased, and the only persons who appeared to be under any restraint were the police. All men of education and intelligence put a proper value on this freedom ; but, unfortunately, among the lower orders there did prevail some mischievous old traditions. They were always delighted with the idea of secret societies, and many of these secret societies were productive of great harm. Some of them were innocent and harmless ; but it was neither innocent nor harmless to spread among the people the notion of a connection with the United States, or to permit the distribution of American uniforms. These things ought to be dealt with with a strong hand, not towards our own people so much as towards the Government which ventured to take such liberties. He had no hesitation in saying that if the Confederates had done one-tenth of what the Federals had done it would have been put a stop to long ago. But the neutrality of Her Majesty's Government had been from the first a partial neutrality, and in that respect they had not properly maintained the honour of the country. But what he wanted to know now was, whether the House might be allowed to see the Reports which, no doubt, the Irish Government must have forwarded on the subject, and the remonstrances which he trusted the Secretary of State had addressed to the Government of the United States on the subject? The noble Marquess concluded by moving, That an humble Address be presented to Her Majesty for

"Copies of any Reports that may have been received by Her Majesty's Government respecting recruiting in Ireland for the North American army."

EARL RUSSELL : My noble Friend will excuse me if I do not advert to many of the topics on which he has touched, and deal only with the tangible points of the statement he has made. I do not think it necessary to enter into the reasons why I was in favour of the repeal of the Foreign Enlistment Act in 1823, nor shall I discuss whether the office of Lord Lieutenant of Ireland is useful or has become obsolete, or whether the conduct of the American Government in 1855 was proper or not. As far as I can understand the drift of my noble Friend's argument it is that, because the American Government acted improperly in 1855, therefore Her Majesty's Government ought to act improperly now. But my noble Friend must excuse me if I decline to adopt that view. The real question which my noble Friend has brought forward is that of foreign enlistment in Ireland. I quite admit that it is an offence against the law and against the amity which the American Government is bound to show towards Her Majesty's Government to commit such acts. Wherever such an offence can be proved it ought to be prosecuted by Her Majesty's Government, and it certainly furnishes a subject of complaint against the United States' Government if it has authorized it. My noble Friend has said truly enough that we have complained from time to time that there was a process of recruiting going on in Ireland on behalf of the Federal Government. Last year I presented papers—correspondence between Mr. Adams and myself—on the subject of British subjects in the Federal armies ; and those of your Lordships who have read that Correspondence may remember, that our complaints were of a general nature, because we had not evidence of particular cases in which the offence was brought home to any agents of the American Government. Mr. Adams on each occasion denied the truth of these allegations ; and on one occasion he said that, until I had brought it to his notice, he did not think there was anybody in this country who could have believed it possible that agents of the United States' Government were employed either in England or in Ireland in enlisting British subjects for the Federal armies. With that general allegation, and with that general denial, I could only wait until there was a case in which particular evidence could be produced. In the month of January of this year a person named Pike stated that a person named Finney had gone about enticing men to enlist. It was stated that this Finney had invited men to go out and get good wages in the United States, and afterwards told them that they would get much larger sums of money if they would enlist as soldiers in the United States' army. The information received at the Home Office was referred to the Irish Government. The matter was investigated, and no evidence except that of this person named Pike could be had; and it was alleged that this man Pike had been engaged by Finney, as an assistant, but had not received the reward which he thought sufficient, and that being excited by that circumstance, he invented this story of the recruiting. It was further alleged that the real object of Finney was to engage men to be employed on railways in the United States. The Law Officers of the Crown in Ireland investigated the matter, and they were of opinion that, if there was no other evidence but that of Pike against this man, that evidence would not be believed, and that consequently there was no chance of a conviction in a court of law. When they gave that opinion, the Home Office here arrived at the conclusion that it was not desirable to institute a prosecution. It must be borne in mind that the United States' Minister has said, and said with perfect truth, that owing to the great number of men employed in the Federal army, and owing to the great number of railway works which are now in course of construction in the United States, there are many railway companies in America which are anxious to obtain men and ready to pay them high wages. It is very possible that, under these circumstances, some companies may be trying to engage men in Ireland. The Chicago Railway Company is known to have hired men for the purpose of working on their line; and we have information that this person, named Finney, hired a room in Dublin a few days ago, and there engaged a considerable number of young men who are going, or are gone, to the United States. My noble Friend must perceive that even although it could be proved that many of those young men are arriving in New York, tempted by the large bounty offered to them, many enter the army of the United States, yet if they go from this country without any contract to enter the army, if they go for the purpose of obtaining good employment and good wages, and wait till their arrival in New York to decide whether they will be railway labourers or soldiers, there can be no ground for a prosecution under the Foreign Enlistment Act. My noble Friend has told us, in the most circumstantial manner, of a person known to have been engaged, according to his opinion, in the horrid plot of taking men in contravention of the Foreign Enlistment Act, to be employed in the army of the United States. One would have expected that a person with the activity, the patriotism, and the knowledge of law possessed by my noble Friend, would have been able to pursue this man to conviction; but there the story ended, my noble Friend saying there was no evidence, and that therefore he had dismissed the charge. I have heard of a man in the county or the city of Cork, who was said to have engaged labourers on the promise of a large amount of wages or a large amount of pay; but it appears that he began by asking the persons who were to enter into the contract with him for threepence each, and when he had collected a sufficient number of threepences, he and his comrades went off. That was not a transaction from which the United States gained much. Another case alluded to by my noble Friend was that of a man-of-war at Queenstown. Undoubtedly there were a number of men found on board the *Kearsage*, a United States man-of-war, who were said to have been engaged as seamen, and to have been carried off. On hearing this report, I at once wrote a complaint to the Minister of the United States in London, informing him of the facts that had reached me, and at the same time telling him that I had heard the Consul of the United States had been instrumental in enlisting these men, and expressing a hope that a thorough inquiry would be made. The Minister of the United States wrote to say that, so far as the Consul was concerned, he denied all knowledge of such a transaction, and his Excellency furnished me with a copy of a letter from the captain of the *Kearsage*, which is as follows:—

> "United States' steamer *Kearsage*,
> At sea, Dec. 7.
>
> "Sir,—A party of men, either by connivance of the crew or otherwise, were concealed on board this vessel on the night of her departure from Queenstown, the 5th ult. These men, I learn, were in expectation of being enlisted in the service of the United States after the *Kearsage* had proceeded to sea, but found their mistake. To have turned them ashore at Brest would have been to open to them the temptation to enlist on board the *Florida*. I therefore determined to leave them at Queenstown as soon as it was practicable. You will please notify Admiral Jones that I informed him that no enlistments would be made at Queenstown. I have, therefore, sent on shore this party, that no charge of subterfuge may be alleged in the premises.—Very respectfully, your obedient servant,
>
> "Jno. A. Winslow, Captain.
>
> "E. G. Eastman, Esq., United States' Consul,
> Queenstown."

I do not know that the captain could have behaved otherwise than he did. When we found that these men had been enlisted, Her Majesty's Government consulted the Law Advisers of the Crown, and they directed that a prosecution should be instituted, and, as far as I know, the prosecution is going on. A suspicion may arise that the captain was aware that these persons had been enlisted before they went on board, but all I can say is, that the captain gives the explanation which I have read for your Lordships. At all events, these men are not serving on board the *Kearsage*, and therefore, in that case, we have no complaint against the United States' Government. With regard to the United States' Consul, that officer denies any knowledge of the matter, and therefore nothing more can be required of him. These are the cases which have occurred in the present year. I quite agree with my noble Friend, that every case of this kind ought to be watched; and the police in Ireland, and the Government of Ireland, are ready to watch them. I also quite agree with my noble Friend, that no violation of the Foreign Enlistment Act ought to be permitted without a prosecution, if there is evidence to sustain one; and on that principle Her Majesty's Government have determined to act. My noble Friend has said what he has never been able to prove—that the neutrality of Her Majesty's Government has not been an impartial neutrality. Well, the United States' Government are of opinion, that from the very beginning Her Majesty's Government have taken a side favourable to the Confederate States, and that allowing the latter belligerent rights—which they say induced other nations of Europe to allow them the same rights — was very partial conduct, because it was very favourable to the insurgents. I have always contended against that pretension. We considered that, as the Confederate States comprised so many of the States of North America, were inhabited by so large a population, and contained so much of the wealth that had existed in the United States, our decision was not a partial but a perfectly impartial decision, founded on the fact that the Confederate States were entitled to belligerent rights. No doubt it may be said, and it has been said, that this advantage has enabled them to derive very considerable supplies, and so enabled them to carry on the war against the Federal States. On the other hand, the Confederate States made their complaint with respect to the conduct of Her Majesty's Government, whom they have all along conceived to be partial as against them. I must say that, though they are entitled to impartial conduct, they are not entitled to any other conduct at our hands; because, though recruiting for the Confederate States does not take place in this country, as far as we are aware, conscription does take place as regards British subjects residing in the Southern States. When we have endeavoured to obtain redress for this, we have found that the Consuls, who were appointed when all the American States were united, have on a sudden been driven from the Confederate States, and there is no one there who can take up the case of British subjects, who are very frequently forced into the Confederate ranks against their own will. This and other hardships are inflicted upon British subjects in the Confederate States, and from the loss of Consuls they are not able to make complaints and obtain the redress to which they are entitled. But, my Lords, with regard to the whole matter of this war, it has been the determination of Her Majesty's Government to pursue an impartial neutrality. That course has been steadily pursued. I see no reason myself for our taking part either with the Northern States or with the Southern; and we are determined to continue to maintain a course of impartial neutrality.

The Earl of DONOUGHMORE: I think, my Lords, we should feel indebted to the noble Marquess for bringing this subject forward. The fact of agents of the United States' Government having been, for a considerable period, endeavouring to entice the Irish subjects of Her Majesty into the military service of the United States is notorious. I have listened with the greatest attention to the speech just made by the noble Earl, and I must say that I never heard the noble Earl repudiate the statement of the noble Marquess opposite. The noble Earl will not say whether he will admit that statement or deny it. Now, I will just ask your Lordships to compare the conduct of the Government in this matter with the course taken by them in reference to the rams at Birkenhead, which it was alleged had been built for the Confederate States. The noble Earl mentioned one case in which there appeared to be some prospect of prosecuting to conviction, but as the Law Officers of the Crown in Ireland had expressed their opinion that there was not sufficient evidence to convict, the noble Earl, or rather the Home Office, retired from the prosecution. But I will ask the noble Earl whether, when, on the 3rd of September last, he ordered the rams to be detained, he had received the opinion of the Law Officers of the Crown here that there was sufficient evidence to prove a contravention of the Foreign Enlistment Act? If he had not received that opinion, the noble Earl's course of action was founded on principles entirely different from those he had pursued with regard to what has taken place in Ireland. And this is what the noble Earl calls impartial neutrality. No sensible man would consider the principles which influenced the noble Earl in both cases as similar. Now, what the noble Earl's motives may be in the matter I cannot tell. I will not say what his reasons are for neglecting this important subject—for refusing to exert the vigilance and the power of the Government to protect the poor people of Ireland from being tempted from their homes to die on a foreign soil in a quarrel not their own. Are those reasons to be found in the fact that they are poor Irish only, and that he has no sympathy for them? The noble Earl denies the imputation. But will he deny, that if the same attempt had been made to enlist Englishmen, the authority of the Government would not have been very quickly exercised to protect them. There is a society in Ireland which has been often mentioned in the public newspapers, and I wish to obtain some information from Her Majesty's Government as to whether their attention is directed to the proceedings of that society. I allude to the society called the Fenian Brotherhood. I do not know the meaning of the words. Perhaps the noble Lord opposite can explain it. The object of this society is to recruit for the American army in Ireland, and to promote a feeling of disaffection to the British Crown; and it holds out a vague hope to its members that, when the American war is finished, the Federal army will turn its arms against this country. The proceedings of this society are so contemptible, it would be ridiculous and absurd to discuss them seriously. Of course, no man of any sense or prudence could think that any danger could arise to this kingdom from their idle vapouring. "Cannot you let it alone," was a favourite maxim of a former colleague of noble Lords opposite, and perhaps the Foreign Secretary would do well sometimes to remember it; but this principle ought not be applied to the Fenian Society. Contemptible as it is at present it may at last become inconvenient to the Government and difficult to be put down. So long as the Members confine themselves to mere words, and to ridiculous articles in certain newspapers, I concur with Her Majesty's Government in the wisdom of ignoring them. But when their proceedings assume the phase of enlisting men for the armies of a foreign Government, when they commence drilling men in Ireland for the service of the United States' Government, I think—not for the interests of Her Majesty's Government, because it is utterly impossible that any such result as is expected by the Members can ever arise, but in mercy to the poor deluded men themselves—that it is the duty of the Government to come forward and put a stop to these proceedings. It is notorious that the Fenian Brotherhood have enlisted a large number of the Irish people in the interest of America—that some of the members walk openly about the streets in the American uniform. It is, therefore, time for Her Majesty's Government to act in the matter, and by a strong hand to suppress this ridiculous movement. If they do not take action in time they may, perhaps, in the end be driven to shed the blood of their own people.

EARL GRANVILLE: My Lords, I have failed entirely to make out, from the speech of the noble Earl, any case against Her Majesty's Government. Upon the question of neutrality, as your Lordships are aware, both the North and the South were constantly bringing accusations against the Government for being partial and showing favour to one side or the other, and these charges are also made in this country by persons who sympathize with the one or the other. It is quite clear that any person who endeavours to remain neutral between two opponents will be open to such charges, and exactly the same attacks have been made against the Government by those who in this country sympathize with one or other of the belligerents. But these accusations are, in fact, the best proof that the Government have been actuated by a sincere wish to maintain a fair and impartial position between the two contending parties. The noble Earl taunted the Government with want of courage in dealing with these enlistments, which he said were now quite notorious. Well, but if they are notorious, why does not the noble Earl offer some specific proof of their existence? The Government have given to the police instructions of the most positive nature to make inquiries on this subject. And yet the only cases of which we have knowledge are of the most trumpery character. In one case a man was said to have engaged a clerk and an office for this purpose, but he left without even paying the unfortunate clerk. Another case attracted great attention on the part of the Government. A factor engaged several hundreds of men to work upon an American railway. This was said to be merely a colourable pretext, and the men, we were told, were really recruits for the service of the United States. The Government immediately made the most rigid inquiry, and the factor who was charged with this offence came to the office of the Chief Secretary, and proved there, by incontestable documentary evidence, that those persons were really engaged to work upon the railway; that the railway company were suffering from a dearth of labour; and that these supposed recruits were engaged *bonâ fide* to supply this want. Does the noble Earl opposite think it would have been proper, on the part of the Government, to have interposed obstacles in the way of a legitimate transaction of that kind? The noble Earl alludes to persons who go about wearing the American uniform. I have seen persons wearing the French and Italian, and many other different uniforms, walking about the streets of the metropolis; but it would never occur to any of your Lordships that this was a fact which required the action of the Government. What sort of action, then, is it that the noble Earl wants? There was only one case which appeared, on inquiry, to bear out the charge of enlistment for the military service of the United States. The Government submitted the whole evidence to the Law Officers of the Crown in Ireland, and their distinct advice was, that the evidence was not sufficient to lead to a conviction. Now, would it have been courage, or would it have been simplicity, on the part of the Government to have disregarded that advice, and to have taken the law into their own hands? If noble Lords are of opinion that the Government ought to have done more and to have gone further, I really think they ought to have produced some better information than the Government possess to show that recruiting is really carried on in Ireland by the United States' Government.

THE EARL OF DERBY: I wish to remind my noble Friend who has just sat down, that he has omitted to answer one point — whether Her Majesty's Government has received, through the police, any information in regard to the fact that persons are now being drilled and taught military exercises in Dublin, Cork, and other large cities? And, if so, whether they had taken any steps in the matter?

EARL GRANVILLE could say nothing as to the etymology of the word "Fenian," but the attention of the police had been directed to the military drilling which was said to be going on in Ireland. He could not at that moment give any detailed information on the subject, but this he could say—that the police had come to the same conclusion as that which seemed to have been arrived at by many of their Lordships —namely, that the organization was a perfectly contemptible one.

THE MARQUESS OF CLANRICARDE, in reply, said, he would withdraw his Motion; but in doing so, could not allow to rest upon himself, and upon his noble Friend opposite (the Earl of Donoughmore), the reproach which was cast upon them by the noble Lords who sat upon the Treasury Bench, that, knowing cases in which there had been breaches of the Foreign Enlistment Act, and the law of the land, they did not prosecute and bring to conviction the offenders. It was evident that the Government in this House, when they cast this reproach, were not aware of the position to which the magistrates of Ireland were reduced, who were not allowed to search into matters which concerned the peace of the country. The police took such inquiries into their own hands, and gave no information about them to the unpaid magistrates, but brought whatever they could find out to the stipendiary magistrate, whom alone they obeyed. The Government had ceased to consult persons of property and influence in the country. A noble Friend, a Lord Lieutenant of a county, told him that the men who had served in the militia of that county had been drawn away, and were now serving in the United States' army; and that he had not heard a word on the subject either from the Government or the military authorities.

Motion (by leave of the House) *withdrawn.*

House adjourned at half past Six o'clock, to Thursday next, half past Ten o'clock.

* * *

HOUSE OF COMMONS,

Tuesday, March 1, 1864.

MINUTES.]—Select Committee—Controverted Elections, Chairmen's Panel, Edward Howes, esq. *v.* George Ward Hunt, esq., *discharged.*
Public Bills — *Ordered* — Naval Prize*; Naval Agency and Distribution*; Naval Prize Acts Repeal*; Marine Mutiny.
Second Reading—Court of Justiciary (Scotland)* [Bill 31].
Considered as amended—Vestry Cess Abolition (Ireland)* [Bill 15].
Third Reading — Malt for Cattle* [Bill 37]; Conveyancers, &c. (Ireland)* [Bill 5].

CONSOLIDATION OF POOR LAW.

QUESTION.

Mr. HIBBERT said, he would beg to ask the President of the Poor Law Board, Whether, with a view to simplify and render more easy of reference the very numerous Statutes relating to the Relief of the Poor, any effort is being made by the Poor Law Board to procure the consolidation of such Statutes?

Mr. C. P. VILLIERS said, in reply, that the Poor Law Board did not at present contemplate making any effort to consolidate the Statutes relating to the poor. Some years ago, the Commissioners of the Poor Laws had deemed it of great importance to have a digest made of those numerous Statutes spreading over a period of nearly 300 years; and the services of a very able and well-known gentleman were engaged for that purpose; but, for some reasons that were deemed sufficient at the time, he was not allowed to finish his work, nor had he been remunerated for his service. Since that time a very valuable work had been published by a gentleman in the Poor Law Department, which was generally considered from its nature and arrangement to answer all the purposes of consolidation, presenting within a short compass and a simple form all the enactments affecting the relief of the poor, as well as the Union and Parochial Officers. It was a book of general reference throughout the Unions of the country.

UNITED STATES — SEIZURE OF THE BARQUE "SCIENCE."—QUESTION.

Mr. HASSARD said, he wished to ask the Under Secretary of State for Foreign Affairs, If it is true that, upon the last day appointed for the adjudication at New Orleans upon the case of the barque *Science,* seized at Matamoras—namely, the 23rd of January last, no appearance was made on the part of the captors, nor was any future day appointed for the hearing of the case; and, in the event of those facts being true, whether Her Majesty's Government will demand the immediate release of said vessel?

Mr. LAYARD said, in reply, that no such information, as alluded to by the hon. Gentleman, had been received by the Government. On the contrary, that very morning he received a Despatch from the English Consul at New Orleans, stating that the case of the *Science* had been heard towards the end of January, and that a part remained to be heard early in the following month.

MR. WHITWORTH'S GUNS.

QUESTION.

Major GAVIN said, he would beg, in the absence of his hon. Friend (Mr. Gregory), to ask the Under Secretary of State for War, when Mr. Whitworth's guns are to be tried, and the causes of the delay in the trial?

The Marquess of HARTINGTON: Sir, the House, I apprehend, is aware that experiments have never altogether ceased with guns upon Mr. Whitworth's principle of construction. Several guns have at different times been ordered from Mr. Whitworth, and tried by the Government. In consequence of the very decided success in the year 1862 of guns of that construction against iron plates, it was decided that a competitive trial between guns on the Whitworth and Armstrong principles should take place. Mr. Whitworth objected, to some extent, to the trial being conducted by the Ordnance Select Committee, who were the usual advisers of the Secretary of State on such subjects, on the ground that they were, to a great extent, identified with the Armstrong system, and therefore could not be considered altogether unbiassed. It had accordingly been decided that a new Committee should be appointed, and Mr. Whitworth expressed himself perfectly satisfied with the constitution of that Committee and with the programme of the experiments which the Committee intended to institute. The Committee was appointed in January, 1863, and in February of that year Mr. Whitworth was informed what guns would be required. He stated that he should be able to deliver them all—namely, three 12-pounders and three 70-pounders—within eight weeks. The guns, however, have not yet been delivered, and Mr. Whitworth has frequently been called upon to deliver the guns or to state his reasons for the delay. Last summer Mr. Whitworth stated that he was unable to procure the proper metal for the manufacture of large guns, on account of the manufacturer not having obtained the necessary machinery. The Committee have very recently visited Mr. Whitworth's works at Manchester, and he promised that the guns should at the very latest be delivered by the 15th of this month. It has now been decided that whether the guns are delivered or not by that time, the experiments, or such of them as can be conducted with the guns which have already been delivered, shall be commenced and carried out at a date not later than the 1st of April next. The delay, therefore, it will be seen, does not arise with the Government or the Committee, but from Mr. Whitworth not being able, as I understand, to obtain the necessary metal for the manufacture of large guns.

DENMARK AND GERMANY.
THE CORRESPONDENCE.—QUESTION.

Mr. DARBY GRIFFITH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether there is not in the Papers on Danish Affairs, a Despatch from himself to Sir A. Paget, of date of the 30th of November, 1863, to which an Answer is returned by Sir A. Paget, from Copenhagen, dated the 1st of

December, 1863, and how he accounts for so rapid an Answer, if the transmission of the first Despatch was not by telegraph ?

Mr. LAYARD said, in reply, that the House well knew that the hon. Gentleman was a great traveller, who liked to test his opinions on foreign affairs by local investigation, and he had, therefore, no doubt the hon. Gentleman found it impossible to go from London to Copenhagen and back again in twenty-four hours. He could assure him there was no Messenger in the Foreign Office who could perform the journey in that time. But the mystery was easily explained. He understood the hon. Gentleman to ask him whether it was the custom of the Foreign Office to give telegraphic Despatches. Nearly all Despatches to our representatives abroad were sent in cipher, and there would be an end to all communications between the Foreign Office and its agents abroad, if they presented those communications as literal transcripts of the cipher. The House would understand, that if the Foreign Office published their Despatches as they were sent they might as well have no cipher at all. The precaution was therefore always taken of stating in another form, in a subsequent Despatch, the substance of the telegram. It was on this account that sometimes a Despatch to a distant mission was dated one day, and the Answer the following day.

Mr. DARBY GRIFFITH: Was the Despatch of the 30th of November a telegram or not ?

Mr. LAYARD: The substance of that Despatch was sent by telegram, not the Despatch itself. As I stated, it would be impossible to send to Copenhagen and get an answer back in twenty-four hours except by telegraph.

THE ARMY ESTIMATES.
QUESTION.

Lord HOTHAM said, that the noble Lord the Under Secretary of State for War has given notice of his intention to bring in the Army Estimates on Thursday. That notice was given in rather an unusual manner, and he (Lord Hotham) was led to ask, Whether it is intended to bring on the Army Estimates, and to go through with them in the ordinary manner, or whether it is proposed, as has been done on the Navy Estimates, to ask for those Votes on which the Mutiny Bill and the financial arrangements more especially depend, deferring the remaining Votes to a future period ?

If the latter is the intention of the noble Lord, he would beg to ask, which is to be the last Vote taken on Thursday?

The Marquess of **HARTINGTON**, in reply, said, he was not able to state what arrangements had been made as to the course of public business, but he believed, in consequence of the shortness of the time between this and Easter, it was desirable to obtain the Vote for men at as early a day as possible. The Government, therefore, intended to get the Vote for men on Thursday, or as soon after as they could; but he was not able to say at present whether they should ask the House to agree to any other Votes. Perhaps the noble Lord would allow him to explain, with reference to what he said was the unusual form of the Votes, that the form was exactly the same as the Votes were taken in last year. The late Sir George Lewis made an alteration in the form of the Estimates, and the first Vote or rather Resolution, last year, was exactly in the same terms as that of which he (the Marquess of Hartington) had given notice.

Lord **HOTHAM** said, he found no fault with the mode in which it was proposed to deal with the Vote, but with the uncertainty in which it was placed. He had better at once give notice that on Vote 6, for the administration of Martial Law, he should make some observations on the course adopted towards Colonel Crawley of the Inniskillen Dragoons.

Lord **ROBERT CECIL** said, he wished to know what hour of the night would be the latest for bringing on the Army Estimates, as the noble Marquess appeared in a hurry to bring them on?

The Marquess of **HARTINGTON** said, it would be necessary to consult the convenience of the House, but the noble Lord at the head of the Government had suggested that they might be brought on at any hour before twelve o'clock.

TELEGRAPHIC DESPATCHES.

QUESTION.

Mr. **DARBY GRIFFITH** said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he had not told him yesterday that telegraphic Despatches are never printed, and to-day has acknowledged that one has been printed?

Mr. **LAYARD** said, in reply, that he thought he had given a complete explanation of the matter. Of course, if a Despatch was sent in words it was printed, but he understood that the hon. Member's question applied to Despatches sent in cipher which were not printed.

CIVIL SERVICE AND MISCELLANEOUS ESTIMATES.—RESOLUTION.

Mr. **MARSH** said, he rose to move a Resolution, That the Civil Service and Miscellaneous Estimates had been, for many years, rapidly increasing and ought to be reduced. Some might object to the question being brought forward in the way of Resolution, but that was the most constitutional way; and, besides, it was practically impossible to discuss those Estimates in detail when brought on at, perhaps, 2 o'clock in the morning. He need hardly say that he did not bring forward this Motion in a spirit of hostility to the Government, because the present Government was the first for thirty years, if not within the memory of man, which had reduced these Estimates; for they reduced them last year by the sum of £23,967; and he was in hopes that a strong expression of the House in favour of his Motion would strengthen the hands of the Government, and especially of the Chancellor of the Exchequer, so as to enable them to reduce the expenditure by which taxation might be diminished, and the comforts of the people and the commerce of the country materially increased. The House would probably be astonished at the immense increase which had taken place in the Civil Service Estimates in the last thirty years; and they were much indebted to the hon. Baronet the Member for Evesham (Sir Henry Willoughby) for the Returns which he had obtained upon this subject. These Returns showed, that while in 1835 the total amount of the Estimates was only £2,393,000, they had risen in 1863 to £7,805,000, showing a difference of £5,412,000; so that it would appear the taxation of the country was £5,412,000 more now than it was in 1835. But that was not all nor nearly all. To that must be added 5 per cent for the collection of taxes, which would bring the difference to £5,682,000, which if the Estimates were reduced to the level of 1835 would be available for the remission of taxation. But taking the sum at £5,412,000 there might be added to that half—or, at least, one-third—owing to the power of taxes when reduced of recovering themselves. There were those who were of opinion that the fire insurance duty if half of it were taken off, would recover itself in a few years. He was of opinion that the tobacco duties if reduced in a like degree would do so in three or four years. Even in the case of the reduction of the income tax the whole would not be lost, because the Government gained in the first place fairer returns ; and secondly, if a man had money to spend he would lay it out in some manner or other so that it would find its way back into the Exchequer. Adding, then, to the £5,412,000, one-third of which might be fairly allowed for recovery, we were now paying the enormous sum of £7,576,000 more than we did in 1835. With the whole of this large sum the Chancellor of the Exchequer might fairly deal. But the relief to the people would be still greater ; for experience showed, that the amount by which a tax was reduced was not the measure of relief to the people. For instance, in the case of tea last year, only 5*d.* in the lb. was taken off the duty, but the price was reduced in nearly every shop in London 6*d.* per lb. There was a penny tax upon newspapers, and at that time the newspaper was sold for 5*d.* When the penny tax was taken off the newspaper, according to Cocker, would be sold for 4*d.*, but it was sold for a penny. The duty on paper was 1½*d.* per lb., and the larger papers were sold for 4*d.* On *The Times, Morning Post,* and such papers, the 1½*d.* tax would be less than ½*d.*, but the price was soon reduced 1*d.* Thus the public gained more than was taken off in the shape of taxation. For these reasons, he thought that at least 10 per cent might be added to the £7,576,000 as what the public paid in addition to what the Government received, making a total of £8,334,000, as the sum the public paid for Civil Service and Miscellaneous Estimates more than in 1835. But the sum the House had to consider was what the Chancellor of the Exchequer would have to deal with if such a state of affairs existed as in 1835, and that would be £7,576,000. That sum was equivalent to the whole of the income tax, nearly equal to the stamp duties, including the fire insurance duty ; it was more than the malt tax, and it would enable half the duty on tea and sugar to be taken off with perfect safety to the revenue. It must be admitted, that the increase of the population and other causes had caused a great increase in the expenditure of the country, and, therefore, the Civil Service Estimates would, of necessity, be larger than they were thirty years ago. Certain sums, such as the proceeds of the Woods and Forests, which used to be paid into the revenue net were now paid in the gross. On the other hand, in consequence of the free institutions given to the colonies, and other causes, there was a saving on that head of not less than £237,954 ; and, as far as he could make out, for there was some difficulty on account of transfers and other reasons, the whole of the sums which used formerly to be paid and were not now paid out of the Miscellaneous Estimates amounted to £729,495. He maintained that, in some respects, those Estimates were too high in 1835 ; but the sum they had now to deal with was £7,576,938, and the question was whether, in the Miscellaneous Estimates, they got an equivalent for this enormous amount of taxation. He need not dwell on the evils of taxation, which, besides taking money from the people, tended to restrict trade and manufactures, and checked consumption ; but besides the payment of the money he considered that great evils arose out of the expenditure. There were moral evils arising from the expenditure of such a vast sum of money which nothing but necessity could justify ; in fact, it was an incentive to knavery, for some people were accustomed to think that there was not the same harm in cheating the Government as in cheating individuals. Therefore, nothing but necessity would warrant such an enormous amount of taxation as that he had just referred to. He was quite willing to admit that taxation for the army and navy, which formed the defence of the country, was an actual necessity; but there was no necessity for many of the items in the Miscellaneous Estimates. In 1835, the cost of the army and navy was £11,730,073, while in 1863 it amounted to £25,796,269, being more than double the former amount ; but the Civil Service and Miscellaneous Estimates had increased still more considerably — for they had risen from £2,393,182 in 1835 to £7,805,277, being considerably more than three times their former amount. He wished to know where was the necessity for this large increase. Owing to the confused state in which these Estimates were presented—though he did not on that account accuse any one of an attempt at fraud—it was often difficult to ascertain what any particular item was. For instance, there was a Vote for Kingstown harbour of £1,968, while the cost of that harbour was put down at £3,575. That was not the way in which the money should be voted. The whole sum of £3,575 should be provided for, and what was received from the harbour should be paid into the Miscellaneous Revenue. In some cases part of the required money was voted, and in other cases the whole. With respect to the superior Courts of Law the whole money was voted, and the fees were paid into the Miscellaneous Revenue; but in regard to the County Courts the cost was £183,783, while the sum voted was £166,010, the other portion being paid by the fees of courts. This appeared to be a confused way of making up the Estimates. The Votes for some things were taken in two or three different places in the Estimates. Thus, in one place, the sum of £1,371 was put down for Bushy Park, and there was another Vote for it of £2,836. The same was the case with regard to Hampton Court and other items. For the Houses of Parliament a sum of £2,300 was put down in one place for fuel; in another place, coals, candles, and other expenses were stated at £1,150; and in a third place there was an item for warming and ventilating. Thus it was necessary to look into three distinct places to find the whole of that expense. He would now refer to cases of compensation for offices abolished. He was not one of those who contended that persons should not be compensated for loss of office or for superannuation, as probably the Government obtained services at a less price than they otherwise would, because people took office under the impression that they would be provided for for life; but where there was the opportunity of transferring persons from one office to another, he did not see why compensation should be given. The Bankruptcy compensations amounted to £15,091; but he thought that many of the officers might have been transferred to the new courts. He found in the Miscellaneous Estimates some items which ought never to have appeared there, as they properly belonged to the expenditure for the army and navy, such as the cost of furniture for the offices for the inspection of the infantry, £3 11*s*. 1*d*.; for the furniture and repairs, &c., of the Hibernian Military Schools, £5,828; for the furniture of the Irish Commissariat Office, £106; and certain items for Bermuda and Heligoland, and for the Treasury chest, all of which ought to have been included in the army estimate. It was true that it might be said that it was as broad as long, whether the money was paid under one head or another; but they all knew that bad accounts could not make the expenditure less, but they often caused it to be more. With respect to compensation, he found that the bailiffs in the Courts of Requests were compensated when those courts were done away with and the County Courts were substituted, and therefore he could not see why the bailiffs should not have been transferred to the latter courts. In one office the third clerk, who used to be paid £1,225 a year, received, on the abolition of his office, £750 a year. It appeared to him that that clerk might easily have been transferred to another clerkship. In another case a housekeeper, who used to receive £50 a year, got £49 6*s*. 8*d*. a year as compensation; and a messenger, whose salary was £70, obtained as compensation £46 13*s*. 4*d*., though those persons might have been transferred to other places. With respect to superannuation, he must say that though he was in favour of the system, yet, when he saw a person superannuated at forty-five years of age, he regarded that as a considerable waste of money. The subject to which he would next advert was the Patent Office. He thought that so large a sum as £50,000 in one place, £19,000 in another, besides some smaller items, ought not to be voted for that establishment, and that patents should pay for themselves. He noticed that a great many fees were paid on account of Knights of the Garter and other orders of knighthood, and also upon the election of an Irish representative Peer; which, he thought, ought not to be charged to the public. He perceived a Vote of £870 for Hampton Court Road, another of £1,200 for Richmond and Kew Roads, and a third of £1,223 for the superintendent of county roads, South Wales. Those expenses ought not to be paid for out of the public purse, but out of the local funds; and he could never understand why Westminster Bridge should be placed on a different footing from that of other bridges, and be paid for by the public. Then, again, the police magistrates were paid in London by the Government, but in Manchester and other towns throughout the country by the inhabitants. In England three-fourths of the rural police was supported by the counties, but the corresponding force in Ireland was maintained at a cost of more than £700,000 out of the national purse.

He found that a considerable sum, which had been greatly augmented of late, amounting to £40,278, was given by the Government to the Nonconformist clergy of Ireland, as if there was not nonconformity enough already in the world without paying for it, and as if it were not of the essence of Nonconformity to be self-supporting. The expenses of criminal prosecutions, which used to be paid locally, were now borne by the nation, and they had here a striking illustration of the extravagance into which people were led when they were spending, not their own money, but that of other people. In 1835, the first year of the new system under which the Government settled the bill, the sum asked was £110,000, which seemed to have been much more than sufficient, as next year only £40,000 was required. Since then, however, the amount had been raised to £190,000, although in the meanwhile the Summary Jurisdiction Act had been passed, which did away with a great deal of the criminal business at the sessions and assizes. As to harbours of refuge, the Vote for Harwich had been denounced as a job; and he could not understand why there was any necessity for an expenditure of £6,300 on Port Patrick harbour, when there was such a good one at Stranraer. He now came to the Vote for Science and Art; and, while fully appreciating the objects in view, he felt bound to say that the money expended by Government did a gread deal more harm than good, for it damped and discouraged private exertions. Scarcely anything was done in London in the way of museums and art galleries except by the Government, whereas in other parts of the country institutions of that kind were established and maintained by local efforts. Experience had proved that voluntary undertakings were generally more successful than those promoted by the Crown; and in support of that view he might instance the two Great Exhibitions, the Zoological Society, the Society of Arts, and the Royal Agricultural Society, the last named having accomplished such vast improvements in stock breeding that the sheep and oxen of thirty years ago would not know those of the present day. In music, too, the country has made great progress in recent years, but not a farthing had been spent on that object by Government. The Vote for the South Kensington Museum had been raised to £122,000. The British Museum, which used to cost £22,000, now cost £90,000; and generally the items of the Vote had increased in the same enormous ratio. The Kensington Museum was lighted up at night for the benefit, it was said, of the humbler classes; but if it was to be of any good to them it should be taken to the Tower Hamlets or some other quarter of the metropolis where they lived. He believed that the rich merchants having property about the docks would most probably have made provision for the instruction and recreation of the people about them if the Government had not taken the matter in hand. A great deal had been said of the number of persons who visited the public museums, but it was by no means remarkable. A Return of the number of sightseers last Whitsuntide showed that 11,472 went to the British Museum, 10,200 to the National Gallery, 6,552 to the South Kensington Museum and so on. Of the total, 60,000 and odd, no fewer than 25,000 went to Hampton Court; but did anybody suppose they went to inspect the cartoons? No, the people flocked thither to see the chesnut trees and the gardens and to enjoy the fresh air. The public did not visit these collections because they had any particular interest in science or art. As many went to view the Lord Mayor's show as went to see the public museums at Whitsuntide; and if Greenwich fair were held now it would attract, he had no doubt, not 60,000, but 200,000. We had not the means of getting great picture galleries, the fact being that the best pictures were not in the market, and should not attempt to rival other countries in that respect. In his opinion the Government of this country had quite enough to do in conducting the general business of the nation, in considering questions which might affect the balance of power in Europe, and in keeping the peace of the world; and might safely leave Science and Art to take care of themselves. Art was beauty, knowledge was power, and science was truth, and would assert their own position with the progress of civilization. There was no man more sincerely and thoroughly in favour of popular education than he was, but he thought the enormous Vote for Education was injudiciously and extravagantly expended. He was not one of those who fancied that an educated man made a worse ploughman or shepherd than an ignorant one; but it was not expedient that all classes of the community should be educated at the public expense to the same point. Such a system tended towards Socialism, and would tend to diminish industry and thrift, because it would relieve parents from what ought to be their great object in life—the training and instruction of their offspring. The Vote for Education had risen from £65,000 in 1835 to £1,110,000 in 1863. The worst of it was that the Government gave only to those schools which had money already, while others which were really in want of aid received none. He knew a case where the squire gave £40, the clergyman another £10, and one or two other persons helped to make up a sufficient sum for the school; but the Government added £75 more. There was undoubtedly a great deal of waste in this system. The certificated teachers cost too much for small districts, and, moreover, were often quite above giving elementary instruction, such as was required. The consequence was that the standard of education in these schools was generally too high for the class who attended them. There was no more miserable body of people than those who were educated above their means and position. Mr. Cobbett had an excellent essay on this subject, called, in his quaint style, "Education and Heddicashun," the former being defined to be "to bring up, so as to become useful in the world," and the latter "to fill heads with stuff and nonsense." In that article Mr. Cobbett said—

> "This nation absolutely swarms with young people of this description; they have no learning worthy of the name, not one of them possesses the smallest particle of literature or is competent for anything worthy the name of accounts; yet they think their case hard, they think themselves ill-used, they think that the whole frame of society is bad, because they can find no one who will, out of the fruit of his labour or study, give them the means of living without work; they lounge about the house of their parents, they spunge upon the funds of their friends, and when both of these will not or cannot keep them any longer in idleness, they resort to frauds of all sorts, or are destitute and miserable beggars; when, if their little hands had been taught to pick up stones and to weed the corn, and their tongues had been taught to bawl at the mischievous birds, instead of singing words at a school, they might have led lives of useful and patient labour—lives ending in ease and as much happiness as old age will admit of."

His (Mr. Marsh's) idea was that the education of the country should be left to the property of the country, and that, if it were so, property would do its duty. It might be said that the education of the people had improved under the system of Government grants. True, it might be so; but it had progressed quite as much when no assistance had been given. It should be recollected that almost every town had its literary or mechanic's institute, which flourished without any Government aid. The education of the middle classes had also improved within the last thirty years, and such a schoolmaster as Squeers, or such a school as Dotheboys Hall, could not now be found in any part of the country. Moreover, our ancient universities and academical establishments had adapted themselves to the spirit of the age, and Oxford especially had gone out of her way in the case of the middle-class examinations. Now, although the physical and material condition of the people had greatly improved within the last thirty years, he doubted whether there had been a corresponding increase in their moral improvement. For various reasons, crime ought to have diminished during that period. Thirty years ago there was scarcely anything like detection of crime, and at that time, too, many persons were constantly out of work, and often stole a leg of mutton, or a loaf of bread, but simply to get a meal. Now, when every one could get work, we ought to expect that those crimes, which were the result of poverty, would have diminished. But he found that, while the cost of our criminals in 1835 was £233,000, it now amounted to £812,000. In one department he observed that there were 10,466 convicts, who cost the country £359,000, which was £33 8*s.* a year, or 13*s.* a week, per man, in round numbers. The respectable labourers and small tenants in many parts of the country maintained themselves with a much less sum, and he believed there were counties where the outdoor relief of the aged poor was not 13*s.*, but 1*s.* 10*d.* a week. He noticed, too, that the 10,466 convicts had £21,015 given to them by way of gratuity, or pocket money. No wonder crime did not decrease under such a system. He was persuaded that a few pennyworths' of whipcord would do far more good than all this wasteful extravagance. The next topic to which he wished to direct attention was a rather delicate one—the Vote of £10,950 for Slave Trade Commissions. That was not a large sum, but it was connected with others of great amount. He found that 3,514 men and boys were employed on the African coast in the suppression of the slave trade, to say nothing of those serving off Cuba and elsewhere. If, according to the Navy Estimates, 75,000 men and boys cost

£10,736,000, it followed that 3,514 must cost £503,000, which, added to the expense of Commissions and other charges, made a total of £631,470. This is what we were paying for what was termed the suppression of the slave trade. If we were really suppressing the slave trade, he should not grudge the money, but the fact was, we could do little in that direction. His impression was, that if we were to leave the Spaniards of Cuba alone, and not irritate their pride, they would, of their own accord, put a stop to the slave trade in far less time than we could suppress it. We had already done enough, and having carried out a great measure of justice at a cost of £20,000,000, ruined many of our colonies, and reduced hundreds of families from wealth to penury, he thought we should abandon the Quixotic idea of constituting ourselves the knights-errant of the sea at a time when non-intervention was the order of the day. The extravagance which he had thus endeavoured to describe began soon after the passing of the Reform Act, and he was afraid it was an incident peculiar to representative institutions. Each constituent tried to get what he could for himself and his friends, and Members of the House of Commons, instead of going into Committee of Supply and endeavouring to reduce expenditure, wearied the House with preliminary Motions in order to swell the Estimates. Captain Grant's cooking apparatus was a standing dish, and the Crawley trial would cost the country a considerable sum for little more than the pleasure of finding a mare's nest. The Government was not chiefly to blame. For obvious reasons, indeed, they rather wished to keep expenditure within bounds; but the thing was literally pressed upon them. Frequent changes of the Ministry were one great cause of extravagance. Each Administration was easily tempted to make engagements with the view of pleasing as many people as possible, leaving to its successor the unpopular task of imposing additional taxation. From 1852 to 1855, when we had the good fortune to have three changes, the Estimates rose from £4,407,000 to £6,586,000. The independent Members of that House were the only persons who could put a stop to this system of extravagance. It was the duty of the Government to protect person and property, but there its vocation ceased, and everything else ought to be done by local management and individual exertion. It was this system which had made us the great people we now were, and which had given us that self-reliance that was our national characteristic. It was the very life of our social system, and it bound class to class, not in the links of dependence, but in the kindred and mutualities of affection and interest. Indeed, it might be safely assumed that in countries where the Government did everything, the people would do nothing.

Motion made, and Question proposed, "That the Civil Service and Miscellaneous Estimates have been for many years rapidly increasing, and ought to be reduced."—(*Mr. Marsh.*)

Mr. PEEL said, he was not at all surprised that the hon. Gentleman (Mr. Marsh), basing himself on the Return to which he had referred, should have been struck with the circumstance that the Civil Service Estimates of each year appeared larger than those of the preceding year. Although he had very justly made an exception as to the last few years during which they had not increased. He (Mr. Peel) readily admitted that it was a very legitimate object, not only to prevent their further increase, but if possible to reduce their amount. Without explanation it must certainly appear a very surprising circumstance that the Civil Service Estimates, having been £2,500,000 sterling in 1836, should have risen to £3,000,000 in 1844, to £4,000,000 in 1850, to £6,600,000 in 1854, and should now, in 1863-4, have reached £7,800,000; and any accidental circumstance occurring at any moment might make them pass the line of £8,000,000, or double their amount in 1850. No doubt if the views of the hon. Gentleman were carried out, and no money was granted for public education—if the large sums voted for the correction and reformation of criminals could be dispensed with—if the policy pursued for many years were altered, and no provision made for the suppression of the slave trade, these Estimates would show a very great reduction. But he thought the House would scarcely be prepared to adopt these changes without considerable hesitation, and the policy of doing so could not well be discussed with advantage on that occasion. His chief answer to the Motion of the hon. Gentleman was, that the increase which had taken place of late years in the Civil Service Estimates was much more apparent than real—that the civil expenditure of the country had not increased in anything like the same proportion as the Estimates had; and that the latter increase, where it had been unaccompanied by any increase of our total civil expenditure, far from being a matter for regret or needing correction, should rather be viewed with satisfaction and be allowed to develop itself to its full extent, because it resulted only from the carrying out of the beneficial principle of bringing the public expenditure as much as possible under the eye of Parliament and subjecting it to Parliamentary sanction annually renewed. He would not go further back than the year 1850. The greater part of the increased amount of the Civil Service Estimates shown before that year was caused by the measures taken in 1846 for transferring charges from local rates to the Imperial revenue, in order to lighten the burdens on land at a time when land was thought to be about to have a new burden placed upon it arising out of free trade. In that year the Government undertook to relieve persons interested in the payment of local rates from the remaining half of the cost of criminal prosecutions, from the remaining half of the cost of maintaining county and borough prisoners, from half the expense of the medical officers employed under the Poor Law, and from the whole expense of the salaries of district auditors and of the masters of workhouse schools. The transfer of those charges to the Imperial revenue caused an immediate addition to the Civil Service Estimates of £250,000. The hon. Gentleman said that, as soon as the local authorities ceased to have any interest in keeping down the amount of that expenditure it enormously increased. That was quite true up to a certain time, but the hon. Member had forgotten that the Government, taking notice of that circumstance, established a machinery at the Treasury for examining and checking these accounts, the result of which had been most satisfactory. Under its operation the expense of criminal prosecutions, which had previously reached £300,000, and even £350,000, had been brought down to £150,000, its present amount. Passing to the total increase in the Civil Service Estimates from £4,000,000 in 1850 to £7,800,000 in 1863-4, he was anxious to show that it had been for the most part caused by the transfer to those Estimates of payments already existing, but made under other heads or branches of expenditure. The hon. Gentleman had referred particularly to the large increase of these Estimates between the years 1853 and 1855. There was no doubt good ground in appearance for the observation; for there had been an increase from £4,800,000 in the former year to £6,580,000 in the latter. But the hon. Gentleman seemed to suppose that that increase was attributable to the circumstance that they had not less than three Ministries in that brief space. He was able to furnish the hon. Gentleman with a different explanation of the matter. In 1854 the present Chancellor of the Exchequer brought in a Bill by which a very extensive transfer of payments was made from the Consolidated Fund and the gross revenue of the Customs and Excise to the Civil Service Estimates—a measure which was regarded by the late Mr. Hume and others as an important financial reform. After the Act passed there was a supplemental Estimate presented the same Session for the services which had been so transferred; and the immediate effect of that measure in 1854, the year in which it became law, was to increase the Civil Service Estimates by the sum of £1,110,000. That amount was made up by payments for the Irish Constabulary, for the Metropolitan Police, Police Courts, for the Slave bounty, for Reciprocity Dues, and other services. But while the Civil Service Estimates were thus increased, the charges on the Consolidated Fund were proportionately diminished. In 1853 the charge on the Consolidated Fund for Salaries and Allowances was £268,000; but, in 1855 it was reduced to £161,000, and now it was only £156,000. Then, for the Courts of Justice, in 1853 the charge on the Consolidated Fund stood at £1,107,000, and it fell in the year following to £493,000, and was now £690,000. The charge under another head, "Miscellaneous," which was £233,000 in 1853, was reduced in the year following to £183,000, and stood at the same amount now. The total charge on the Consolidated Fund in 1853 was £2,510,000. In 1855, after the transfer which he had mentioned took place, it was only £1,723,000; and now it was £1,884,000; so that the total charge on the Consolidated Fund had been permanently reduced by £600,000, or £700,000 by the Act of 1854. The new charges on the Consolidated Fund since 1854 consisted of the salaries of the County Court Judges, and of the compensations for life granted to the holders of abolished offices in the late Testamentary Courts. But the full operation of that Act was not seen in its first year, for it was provided that persons receiving salaries out of the Consolidated Fund should continue to receive them out of it as long as they held their offices, and that afterwards the salaries attached to those offices should be transferred to the Civil Service Estimates; and as every year a certain number of offices fell vacant and were filled up again, the salaries were transferred to those Estimates, causing a slight addition to them, and a corresponding relief to the Consolidated Fund. Some also of the charges which were transferred by that Act had since that period very considerably increased, from circumstances for which the Government were in no way responsible, the charges being regulated strictly by the operation of the provisions of Acts of Parliament. The hon. Gentleman had referred to the slave bounties. In 1854 the amount paid under that head was only £15,000; but in the year 1863 it had risen to £86,000, the increase of £70,000 being entirely due to the increased activity in the slave trade and to the exertions of our cruisers, which received bounties proportioned to the number of vessels captured and of slaves liberated. The reciprocity dues were payments made to particular harbours in compensation for the loss of differential duties they would have collected from foreign shipping, but for international arrangements giving foreign vessels the same privilege as British shipping. In 1854 these dues were only £30,000, but in 1862 they were £53,000, and last year no less than £115,000. The Government, however, had, in this respect, anticipated the Motion of the hon. Gentleman, for, under the Bill brought in two Sessions ago by the President of the Board of Trade, a limit was imposed to the payments under this head, and the whole charge was to cease in ten years. In 1854—the year of transfer—the charge for the Metropolitan Police of London was £100,000; it was now £140,000, the increase arising from the growth of London and the consequent additions to the number of the police. In the charge for the Irish Constabulary, transferred in like manner, an increase of £100,000 had also taken place. He would not, however, take that increase into account because it might be considered by some to be part of the case of the hon. Member, but, adding together the increases which had taken place since 1854 under the three heads of the Slave Trade, the Reciprocity Dues, and the London Police, he found that the Act of 1854 had made an increased charge upon the Civil Service Estimates of no less than £1,250,000. Other transfers had been made to the Civil Service Estimates, besides those consequent upon the Act of 1854. In 1851 a Vote was taken, for the first time, for the London Parks and the Offices of Woods and Works, increasing the Civil Service Estimates by £80,000; but, on the other hand, there was a corresponding increase in the receipts of the Exchequer under the head of Crown Lands, from the revenue derived from which the expenses of the parks and of the two offices had previously been defrayed. The yield from Crown Lands in 1850 did not exceed £160,000; whereas the receipts from Crown Lands now paid into the Exchequer were upwards of £300,000, and that increase, of course, was partly due to the diminution of payments out of gross revenue arising from the transfer. In the Estimates for 1853, a Vote of £60,000 for the Merchant Seamen's Fund appeared for the first time in the Estimates. That fund had been originally formed quite independently of the Government, but it was mismanaged, and Acts were passed to bring it under Government control and to provide for any deficiency. By the first Act the deficiency was to be made good out of the Consolidated Fund, but by the Act of 1853 the fund was directed to be wound up, and disposed of, and the whole charge for pensions to be annually voted. The stock belonging to the fund sold for £150,000, which was paid into the Exchequer, and the claims have since been provided for annually by a Vote in the Civil Service Estimates. No new contributions from merchant seamen, however, were received, so that in course of time the Vote would disappear. There was another transfer to which he would refer—that of the postage for the public Departments. Previous to 1856 the various Departments provided in their respective estimates for their own share of the cost of posting the public correspondence. In 1856 this cost was collected together and formed into a separate Vote; and as it included the postage of the War Department and Admiralty, amounting in that year to £70,000, the effect was to increase the Civil Estimates by that amount, but not to increase the total expenditure of the country, because the sum was merely transferred from the Army and Navy Estimates to the Estimates for Civil Services. This would bring up the increase, arising wholly from mere transfers, to £1,460,000. Then, as to the County Courts, it was quite true that it was originally proposed that these courts should be self-supporting, that the officers should be paid out of the fees; but it was enacted that if these should be insufficient, resort was to be had to the Consolidated Fund. In 1857 it was provided that the salaries of the Judges should be paid out of the Consolidated Fund, and that the registrars and bailiffs should be paid by salary; and that if there was any deficiency in the fees received to pay their salaries, it should be made up by a Vote in Supply. The effect of that provision had been to add £200,000 to the Civil Service Estimates for 1857. There had since been an increase in the receipts from the County Courts, and the amount chargeable on this year's Estimates was reduced to £166,000. Adding the increased charge in connection with County Courts to the other items he had enumerated, it brought up the total increase accounted for to £1,600,000, or rather more. The Vote for county police was entirely new. In 1857 it had been decided to give encouragement to the formation of an efficient county and borough police, by the payment of one-fourth of the expense from the Civil Service Estimates. An immediate addition of £145,000 was thereby made; and as the police increased in numbers and efficiency that Vote must be expected to enlarge its dimensions. The Government contribution of one-fourth to the police of England and Scotland amounted for the present year to no less than £228,000 relieving the local rates to that extent. He had now accounted for a total increase in these Estimates of £1,830,000. With respect to the fees paid in various public offices, the Government were aware of the abuses to which the system was formerly liable, and had already provided, whenever there was the opportunity, that all fees should be payable into the Exchequer, and that all charges formerly paid out of fees, should be voted by that House instead. This made a large apparent increase in the Civil Service Estimates. The sum paid into the Exchequer under the head of fees of regulated Public Offices in 1850 was about £50,000, it was now about £190,000. Before the year 1850 the whole establishment of that House was defrayed out of the fees in respect to private and public business; but in that year the amount was voted in the Civil Service Estimates; the Vote amounted to £60,000, and the fees paid into the Exchequer annually were between £60,000 and £70,000. So, with regard to a great number of other expenses which formerly used to be paid out of the fees derived from public offices, the fees were now paid into the Exchequer, and the full establishment was voted by Parliament. But fees were of two classes—fees received in cash, such as he had just referred to, and fees paid in stamps, and which were carried to the account of the Exchequer under the general head of Stamps. These fee stamps should also be distinguished from the revenue stamps. These fee stamps formed now a considerable portion of the public revenue. The Patent Office appeared to cost £50,000, and the hon. Gentleman had said he thought it ought to support itself. It was a new Vote, dating from 1853, but against it there was a full set-off, because the fees received amounted to £90,000, being nearly double what the House voted for the Patent Office. The expenses of the Probate Court too were formerly provided for out of the fees, but were now paid out of the Civil Service Estimates, and the fees go into the Exchequer instead. The Vote in this case appeared for the first time in 1858, and amounted to a very large sum — the charge for the Probate Courts of England and Ireland, and the Divorce Court of England, for the year 1863, amounting to £94,000. But, on the other hand, the fee stamps amounted to £118,000, which was more than sufficient to defray the expenses of the Courts. The cost of the Admiralty Court Registry, too, was £11,000, but the fee stamps of the Court amounted to more than £9,000. So that while the Estimates were increased by £150,000 for these three offices, the Exchequer received from the fee stamps a sum of £220,000, being a balance in favour of the public revenue of £70,000. Then, again, there was an item which was called in the Revenue Accounts "Extra Receipts." For instance, the House voted the full expenses of the Consular establishment in China, while the Exchequer recovered back one-third of the expense from the Indian Government; so that if the annual Vote amounted to £60,000, the Indian Government was charged with £20,000 of the sum. Again, the Vote for the Copyhold Commissioners was £32,000, but the Government received back from them £19,000, paid into the Exchequer as extra receipts annually, so that the net charge was not very considerable. There were various other receipts of this kind, amounting altogether to about £70,000 a year, for which he was entitled to take credit in diminution of the Civil Service Estimates. If all the sums that might be set off in this manner against the Civil Service Estimates were added up, they would make a total of £2,220,000, which being deducted against the increase of £3,800,000, would leave a real increased charge of only £1,600,000. Nor was it very difficult to account for this increase. The Vote for Public Education in England and Ireland was undoubtedly the main cause of the increase amounting since 1850 to an increase of £900,000. In 1850 the sums voted for Public Education in the United Kingdom were £250,000; in 1863, they were £1,150,000. But here the Government had anticipated the proposal of the hon. Gentleman, and the new Code they had established would, among other beneficial results, have the effect of reducing the Vote for public education for Great Britain. The reduction for last year was £40,000, and he believed the reduction in the ensuing financial year would be even greater: £100,000 of the increase was due to the Votes for superannuations, which had increased by that amount in the last ten years. But the Government hoped to be able to devise some means by which its growth should be checked for the future, so far as related to the liability of the Treasury to make up the deficiency in the Pension Fund of the various Police forces. This increasing charge had engaged their attention, and means would, it was hoped, be found to stop the increase under this head. After the above deductions from the balance of £1,600,000, all that remained was £600,000, and this was the real debatable amount of increase in the Civil Service Estimates. He did not, however, mean that the same causes which had produced this increase had not operated in other ways. On the contrary, they had so operated: they had swallowed up all the reductions in different directions which had been made during recent years; but the £600,000 represented the whole positive increase since 1850. With regard to this sum, the House must bear in mind, that within the last few years, there had been many new charges and new offices created — for instance, the Civil Service Commission, the Charity Commission, and the Vote for the Land Registry Office. The Bankruptcy compensations, too, had been thrown upon the Civil Service Estimates by Act of Parliament. There was also an entirely new Vote, amounting to £35,000, for contributions in lieu of rates in respect of the Government property. It must also be borne in mind that of late years there had been many heavy charges of a wholly exceptional character. He might refer to the Vote for the Census, £170,000; to a Vote of £400,000 in two years for loss to the Treasury chest in supplying specie for payment of troops in China, and to others which were wholly exceptional. If all these deductions were made, it must, he thought, be admitted that he had considerably reduced the case of the hon. Gentleman. He did not deny, that during late years many Votes had shown a considerable tendency to grow larger. That for the Science and Art Department had increased from £20,000 to £120,000; the Vote for the London Parks was much larger than it was ten years ago; and so, again, with regard to the Vote for Public Buildings. He could only say that the Government would feel much indebted to any hon. Gentleman who would point out any means by which the Civil Service Votes could be reduced without prejudice to the public service. He could assure the hon. Gentleman that the Government were as anxious to promote economy in the public expenditure as the House could possibly be. He did not think the hon. Gentleman had made sufficient allowance for the causes to which the increase of the Civil Service Estimates was due. But he trusted the hon. Gentleman would be content with having moved the Resolution, and induced the discussion of the subject which had taken place, and that he would not press his Motion to a division.

Mr. TORRENS said, the hon. Member who had brought the subject before the House (Mr. Marsh) had alluded to the expense on account of the slave trade. Now he (Mr. Torrens) desired to point out where a saving might very well have been effected in connection with the suppression of that trade. In the Session before last he moved for Returns relating to cases tried by the mixed Portuguese and British Commission at the Cape of Good Hope. Those Returns were well worthy of attention. In 1843 the Court was constituted, and up to

1862 the Commissioner tried eight cases, for which he received an annual salary of £1,200 a year. That would be a pretty sum for each case. The arbitrator received for the nineteen years from 1843 to 1862 the sum of £800 a year, and but one case came before him all that time. In 1862 the office of arbitrator, then held by Mr. Surtees, became vacant, and Her Majesty's Government thought proper to appoint a gentleman who was resident at the Cape to perform the arduous duties of arbitrator. He could not help thinking that a stricter investigation of expenses by the House would have prevented that appointment. When the vacancy occurred in 1862 it was the duty of Her Majesty's Government to ascertain whether there was any work for an arbitrator to perform. He had been told that by treaty it was absolutely necessary that an arbitrator should fill the office; but this was not so, for it was distinctly provided by the Treaty of 1842 that if the arbitratorship became vacant, a magistrate at the Cape or one of the Judges of the Supreme Court might fill it. Now he could not help thinking that these cases showed, that if strict inquiry was made into expenditure abroad and at home, some considerable saving might be made in the public expenditure.

Mr. NEWDEGATE said, he thought the hon. Member for Salisbury (Mr. Marsh) had done great service by his Motion, because he had induced the House to listen to a general statement of expenditure under the head of "Miscellaneous Estimates," which had practically doubled since 1844. He had heard the very able apology which had been made by the Secretary to the Treasury for the increase of that expenditure, and he was quite sure that the House would feel that this was an apology for the House itself, quite as much as for the Government of which the speaker was a Member. The broad fact stated by the hon. Member for Salisbury, he humbly submitted, reflected no credit upon either side of the House, because it proved that having, by our recent course of legislation, interfered in almost everything, we could not show an economy corresponding to our interference. Nothing could be more likely to occur. The Estimates had become so voluminous, that several leading Members on the Liberal side of the House below the gangway had declared that all attempts on their part to sift, item by item, were useless. Well, if this declaration were true—and if it had not been for the exertions of the hon. Member for Evesham (Sir Henry Willoughby), and the right hon. Gentleman the Member for Portsmouth (Sir Francis Baring), it would have been true without mitigation; if it were in any degree true, then it showed that the general tendency of recent legislation had been to spread a system of centralization which had proved extravagant in this respect—that the authority into whose hands the concentration of administration had thus fallen, had not only declared itself, but proved hitherto incapable of exercising efficient economy. They had heard the Secretary to the Treasury excuse this increase of expenditure by adducing the facts of the transfer of the expenditure in counties, of the transfer of the control of the expenditure in boroughs, and of the control of the expenditure of the Courts of Law to the Treasury and the Government. What did this all prove except that they were gradually rendering the Government of this country a sort of universal contractor. They dealt in law; they had not yet meddled with physic; but they disseminated a very doubtful theology. He asked whether it would not be far better if these matters were left to local administration and local supervision? Was it not far better that the unfettered intellect of the country should, by a subdivision, be brought effectively to bear on the administration of these several departments of social government, so that by a direct and personal supervision that economy could be ensured which, according to repeated declarations, that House was unable to effect. The present system manifested a tendency towards centralization which was always extravagant, as proved in America, in our colonies, and in France. He, for one, was ready to assist in promoting a reduction of this expenditure, and to vote with the hon. Member for Salisbury, if he pressed his Motion to a division. If the Motion was not pressed to a division, then he would join in the endeavour to effect this object when the Estimates were produced, by going through the arduous but necessary task of examining them item by item.

Mr. W. EWART said, the House was greatly indebted to the hon. Member for Salisbury for having brought this subject under its notice. He was himself disposed to recommend a gradual shifting of the charge for education to local residents, and that it should not be allowed to remain a burden upon the public exchequer. With regard to education, the tendency of the

Government of late had been to make provision for it by local rates which was the natural and right system: he therefore approved the steps which the Government had taken in that direction, but he hoped they would go further. When the Schools for Science and Art were first founded, it was the intention of the Committee that there should be only one central establishment in London supported by Parliament, and that the schools throughout the country should be kept up by local exertions. A considerable saving to the public might be effected in the direction which he had pointed out.

Mr. MARSH said, that after the appeal made to him by the right hon. Gentleman the Secretary of the Treasury, he would withdraw his Resolution.

Motion, by leave, *withdrawn.*

HARBOURS OF REFUGE.

OBSERVATIONS.

The CHANCELLOR of the EXCHEQUER: In the absence of my right hon. Friend the President of the Board of Trade, who is unfortunately detained by severe indisposition, I have to appeal to my hon. Friend the Member for Sunderland (Mr. Lindsay) not to bring on the Motion of which he has given notice. I assure him that nothing but necessity keeps my right hon. Friend away upon this occasion, and prevents him from discussing with him that very important subject. In the necessary absence also of my noble Friend at the head of the Government, I hope my hon. Friend will postpone his Motion till another opportunity.

Mr. LINDSAY said, he did not think it would be right to bring on the discussion of so important a subject as that which stood in his name, and which involved so large an expenditure of money, in the absence of the noble Lord at the head of the Government, and of the President of the Board of Trade. He was very anxious, however, to bring on the subject before the Budget, and he hoped his right hon. Friend would assist in getting him a day for that purpose. In the mean time he should fix his Motion for Friday, the 13th of March, on going into Committee of Supply.

AFFAIRS OF CHINA.

OBSERVATIONS.

Mr. LIDDELL, who had given notice of Motion, condemning further interference with the civil war in China, said he felt obliged to postpone it in consequence of the non-production of the Chinese papers. As he could not find an open day before the Recess, it was his intention to bring the subject forward at the earliest possible opportunity after Easter.

House adjourned at Seven o'clock.

HOUSE OF COMMONS,

Wednesday, March 2, 1864.

MINUTES.] — New Member Sworn — John Floyer, esquire, *for* Dorset.

Select Committee—On Poor Relief, Sir William Miles *added.**

Public Bills—*First Reading*—Naval Agency and Distribution* [Bill 39]; Naval Prize Acts Repeal* [Bill 40]; Naval Prize* [Bill 41].

Referred to Select Committee—Chain Cables and Anchors [Bill 9]. (*List of Committee.*)

Committee—Chain Cables and Anchors *negatived.*

CHAIN CABLES AND ANCHORS BILL.

[BILL 9.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Laird.*)

Mr. MILNER GIBSON said, he thought it very desirable that, previous to going into Committee of the Whole House on the Bill, it should be referred to a Select Committee. The subject was one of a very special kind, and there were many technical points to be considered in order to render it a good working measure; and it was not an unfrequent course for the House to adopt in matters of a technical character, to refer Bills to the consideration of a Committee upstairs, where they could be more advantageously dealt with. There were also some points in the measure affecting private interests on which it might be necessary to take evidence. He therefore moved, as an Amendment, that the Bill be referred to a Select Committee.

Mr. CRAWFORD, being of opinion that the interests both of individuals and the public would be promoted by such a course, seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,"—(*Mr. Milner Gibson,*)

—instead thereof.

MR. JACKSON, as one of the Committee who had already considered the subject, and on whose Report the present Bill was founded, wished to state that private interests were amply considered by that Committee. If evidence was still to be taken on private interests, he hoped that evidence would also be taken as to the power and appliances for testing cables now in existence able to meet the requirements which this Bill would create. He hoped also that evidence would not be taken on one side only, but that if taken at all it would be taken fairly. Should it be deemed desirable, he would have no objection to sit on the Select Committee, and do his best to bring it into practical operation. He doubted, however, whether it could be made practicable.

MR. LINDSAY said, he would recommend the hon. Member for Birkenhead (Mr. Laird) to accept the Select Committee. He felt bound to express his conviction that there would be much difficulty in legislating on this subject; but he was willing to give the hon. Member every assistance in his power towards making the Bill a satisfactory one.

MR. LAIRD said, his object in bringing in this Bill was to produce a workable measure, and he thought it would be unwise for him to reject the proposition of the right hon. Gentleman the President of the Board of Trade. He agreed also with the remark of the hon. Member for Newcastle (Mr. Jackson), that if evidence were to be taken as to private interests it should also be taken with regard to the general operation of the Bill. Having twice brought forward the Bill he thought it due to the House to state, that among the influential bodies in its favour were—Lloyd's Registry of British Shipping; Liverpool Underwriters' Association; Mersey Dock Board; London, Liverpool, and Glasgow Shipowners' Association; Steam Shipowners' Association—London, Liverpool, Glasgow, Dublin, Belfast, Waterford, Cork; Liverpool Mercantile Marine Association; the principal chain manufacturers in Staffordshire, Newcastle, and district of the Tyne, Chester, and other places; the firms of H. Wood and Co.; Bloomer; Parks and Co.; Crawshay and Co.; Abbott and Co., and many others. Also the following large steam packet companies:—Peninsular and Oriental, the Cunard Company, Inman and Co., Bibby, Sons, and Co., City of Dublin Company, Wigram and Co., Somes and Co., G. F. Young, and numerous first-class shipowners. He had mentioned those names to the House because they were a justification of his having brought in the Bill twice, and having done all he could to secure its passing into a law. He agreed to the proposal of the right hon. Gentleman, believing that the result would be the production of a workable measure.

MR. CRAWFORD asked the hon. Member whether Messrs. Brown, Maddox, and Co. were supporters of the Bill.

MR. LAIRD said, the firm mentioned certainly were not. But Messrs. H. Wood and Co., Bloomer, Parks and Co., Crawshay and Co., Abbott and Co., and many others were; and anyone connected with shipping or manufactures knew that these were the establishments most largely interested in the question.

MR. BENTINCK, as a Member of the Select Committee to which the matter was referred last year, confirmed the statement of the hon. Member for Newcastle, that the interests of private individuals were fully gone into. At the same time, in a case of this kind, he thought his hon. Friend (Mr. Laird) had done right in accepting the proposition which had been made by the President of the Board of Trade. He did not share the doubts entertained by the hon. Member for Sunderland, and did not see the slightest difficulty in dealing with the question. This was one of the many cases in which fraud led to the most disastrous consequences. The list of names which had been read by his hon. Friend (Mr. Laird) showed the interest which was felt on the subject by the great majority of the manufacturers of anchors and cables; and he had no doubt the result of the inquiry before a Select Committee would be the production of a useful and satisfactory measure.

SIR JAMES ELPHINSTONE said, that having had the honour to preside over the Committee, he wished to express his concurrence in the remarks which had fallen from his hon. Friend (Mr. Bentinck), that the interests of private firms had been fully inquired into. The question had been gradually attracting public attention, and many firms which had not made up their minds at the time of the inquiry were now supporters of the measure. With the exception of the firm of Messrs. Brown, Lennox, and Co., all the great chainmakers in Great Britain were in favour of the Bill, and he believed the interests of that firm had been greatly exaggerated in the House. He thought it desirable that the inquiry suggested by the right hon. Gentleman should take place, and trusted that it would have the effect of narrowing the issues and of removing objections to a really good and necessary Bill.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Ordered, "That the Bill be committed to a Select Committee."

And, on March 9, Committee *nominated* as follows:—

Mr. Laird, Mr. Milner Gibson, Sir James Elphinstone, Sir Frederic Smith, Mr. George Bentinck, Mr. Crawford, Mr. Richard Hodgson, Mr. Jackson, and Mr. Lindsay:—Power to send for persons, papers, and records; Five to be the quorum.

NAVAL AGENCY AND DISTRIBUTION BILL.

Bill to provide for the appointment, duties, and remuneration of Agents for Ships of War, and for the distribution of Salvage, Bounty, Prize, and other Money among the officers and crews thereof, *presented,* and read 1°. [Bill 39.]

NAVAL PRIZE ACTS REPEAL BILL.

Bill to repeal enactments relating to Naval Prize of War, and matters connected therewith, or with the discipline or management of the Navy, *presented,* and read 1°. [Bill 40.]

NAVAL PRIZE BILL.

Bill for regulating Naval Prize of War, *presented,* and read 1°. [Bill 41.]

House adjourned at a quarter
before One o'clock.

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HOUSE OF LORDS,

Thursday, March 3, 1864.

MINUTES.]—Public Bills—*First Reading*—Malt for Animals* (No. 16); Conveyancers, &c. (Ireland)* (No. 17).
Second Reading—Chief Rents (Ireland)* (No. 15)—h.l.

The House met, and having gone through the business on the paper without debate,

House adjourned at a quarter past
Five o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 3, 1864.

MINUTES.]—Select Committee—Railway Companies Powers *nominated.* (See p. 300.)
Supply—*considered in Committee*—Army Estimates.
Public Bills—*First Reading*—Metropolitan Subways* [Bill 42].
Second Reading—Bills of Exchange and Promissory Notes (Ireland)* [Bill 38].
Committee—(*on re-comm.*)—Vestry Cess Abolition (Ireland)* [Bill 15], *re-comm., considered, reported,* and *considered as amended.*
Third Reading—Sir John Lawrence's Salary* [Bill 10], and *passed;* Vestry Cess Abolition (Ireland)* [Bill 15], and *passed.*

INDIA—A GOLD CURRENCY.

QUESTION.

Colonel SYKES: I beg, Sir, to ask the Secretary of State for India, Whether, considering the rapidly increasing difficulties of adjusting the large annual balance of trade in favour of India by means of silver, it is his intention to facilitate commercial operations by the introduction into India of pure or alloyed Gold Tokens of the value of five or ten Rupees?

Mr. VANSITTART: Sir, I would also beg to ask, whether, in lieu of the Gold Tokens of the value of five or ten Rupees, as suggested by the Member for Aberdeen, it would not be desirable to re-introduce that portable and popular Gold Piece among the natives known as the Gold Mohur, which is worth thirty-two shillings, and which resembles the Prussian Double Fredericksdor?

Sir CHARLES WOOD: Sir, I do not think it would be convenient to coin either the Gold Mohurs or the Tokens, as suggested by my hon. Friend the Member for Aberdeen (Colonel Sykes). What I should be very glad to see would be the introduction of the English sovereign, which would then form a common currency for this country, Australia, and India. That would be a very great advantage, but the adoption of either of the other proposals would be a great impediment to the ultimate circulation of the sovereign. On that account I am not prepared to adopt either the one or the other of them. At the same time, I may be permitted to state that the temporary inconvenience felt in India with respect to the currency seems very much to have passed away; and the fact that the coinage of silver during the last two years has amounted to £12,000,000 sterling shows that the mints have made the greatest exertions to meet the demand for coin, which has been increased to such an extraordinary extent by the rise in price of all articles of produce.

COLONEL SYKES: The answer of my right hon. Friend not being satisfactory, I beg to give notice that after Easter I shall call attention to the subject, and move a Resolution.

UNITED STATES—CAPTURE OF THE "SAXON."—QUESTION.

LORD ROBERT MONTAGU said, he wished to ask Mr. Attorney General, Whether it be true that the *Saxon* was captured on the ground that her cargo was supposed to be the property of the Confederate States; and whether it be according to the Law of Nations to take possession of enemies' goods under a neutral flag, or to make prize of the neutral vessel containing those goods; or whether, on the other hand, the *Saxon* was captured on the ground that her cargo was Federal property, which had been seized by a Confederate man-of-war, and had been transhipped on board the neutral vessel; and, if so, whether such an act be in accordance with any principle of International Law?

THE ATTORNEY GENERAL said, in reply, that he was not able to inform the noble Lord on what ground the *Saxon* was captured. Her Majesty's Government had caused a representation to be made to the Government of the United States on the subject, but they had not received any answer to that representation. Under these circumstances, it seemed to him that it was by no means expedient to enter into a hypothetical discussion on the ground on which the capture had been made until the information sought for had been received.

GENERAL POST OFFICE—TRANSMISSION OF LETTERS ON SUNDAY.

QUESTION.

MR. HOPWOOD: I beg, Sir, to ask the Secretary of State for the Home Department, If there will be any objection to allow Letters posted at the General Post Office on Sunday to be dispatched on that day, on account of the great privilege it would afford to the public, and the small amount of labour it would entail?

MR. PEEL: I think there would be great objection to the adoption of such a proposal. The Post Office estimates the number of letters that would be delivered at the General Post Office on a Sunday at about 20,000, and that a force of 220 men would be required to dispatch these letters to the country; and although the hon. Member proposes to limit the arrangement to the General Post Office, it would be impossible so to limit it, and applications would be at once made to them for an extension of the measure to the District Offices.

ASSAULTS WITH KNIVES.

QUESTION.

MR. HORSFALL: Sir, I would beg to ask the Secretary of State for the Home Department, Whether Her Majesty's Government are prepared to take any steps to prevent the wearing of sheath or dagger knives, from the use of which so many murders have been committed?

SIR GEORGE GREY: I have received, Sir, a communication from the magistrates of Liverpool, transmitting to me an Address from the Mercantile Marine Association, with reference to a practice common among seamen, and especially foreign seamen, of carrying about with them knives of a very formidable character. The magistrates appear to have taken every precaution to check the practice, and wherever an attack is proved to have been made by any man with one of these knives, severe punishment is inflicted. I cannot myself see that any other remedy can be applied, as we could hardly prohibit seamen from carrying knives. However, I told the magistrates that I am ready to entertain any practical remedy that they may suggest.

CONTRACTS FOR GUNBOATS.

QUESTION.

MR. FERRAND said, he rose to ask the Secretary to the Admiralty, If contracts, without competition, for two iron-plated gunboats have been given, or are intended to be given, to two shipbuilding firms.

LORD CLARENCE PAGET, in reply, said, it was true that the Admiralty had departed from their usual system of inviting tenders for the construction by competition of ships of war. The Messrs. Dudgeon had been very successful in building vessels on the twin-screw plan. They had lately built a small vessel for the Admiralty, and the Admiralty had invited them to tender for one of the gun-boats which were about to be built, supposing the House agreed to the Vote he should have to propose next week. With respect to the second gunboat, Mr. Langley had a patent for building ships with iron frames and wooden planking, and of all the plans of that nature that had been laid before the Admiralty they preferred his. They had, therefore, invited Mr. Langley to send in a tender for building a gunboat on his patent. If those two tenders were reasonable, they would be accepted by the Admiralty ; but if not, they would be thrown open to competition by other parties.

NEW ZEALAND—CORRESPONDENCE. QUESTION.

Mr. ARTHUR MILLS said, he wished to ask the Under Secretary of State for the Colonies, When the New Zealand Correspondence moved for last Session will be laid upon the table ; and whether any intelligence has recently been received as to the proposed transfer of the seat of Government from Auckland to some other locality in New Zealand ?

Mr. CHICHESTER FORTESCUE said, in reply, that the Government were aware that the question of changing the capital and the seat of Government in New Zealand had been much debated, but he believed the Legislature had come to no conclusion. At all events, the Governor had not informed the Colonial Office on the subject. The papers to which the hon. Gentleman had alluded would be laid on the table that evening and distributed tomorrow morning. The other papers, bringing down the history of the war to a very recent date, would, he hoped, be distributed on Saturday morning. He, therefore, trusted that the hon. Gentleman would defer the discussion on the subject until the papers were before the House.

COURT MARTIAL ON COLONEL CRAWLEY.—QUESTION.

Mr. DUDLEY FORTESCUE said, he wished to ask the Under Secretary of State for War, When the Proceedings of the Court Martial on Colonel Crawley will be laid upon the table of the House ?

The Marquess of HARTINGTON said, in reply, that the papers would be laid on the table that evening, and would be ready for distribution on Saturday morning.

Mr. DUDLEY FORTESCUE trusted that, under these circumstances, the noble Lord the Member for the East Riding (Lord Hotham) would postpone the discussion of which he had given notice until the papers were in the hands of Members.

Lord HOTHAM said, he had not the slightest wish to interfere with the Motion of which the hon. Member for Andover had given notice for the 15th instant, but he considered that the Vote for the administration of Martial Law was the legitimate and proper opportunity for the observations which he proposed to make on the course adopted in the case of Colonel Crawley, and its effect on the discipline and good order of the army. Looking to the manner in which the Government were dealing with the Navy Estimates, and the notice given by the noble Lord in regard to the Army Estimates, which he must regard as somewhat unusual, he had come to the conclusion that the object of the Government was to get the two great Votes for the army with reference to the Mutiny Act, and the Financial statement of the Chancellor of the Exchequer in the same manner. Seeing, therefore, that there was little probability of getting the remainder of the Navy Estimates and the whole of the Army Estimates before the holydays, he was ready, if the hon. Member for Andover could arrange with those around him to postpone the Vote for the administration of Martial Law until after the hon. Member's Motion, to defer to the hon. Gentleman's wish. He, however, could not forego the legitimate and proper opportunity afforded by the Vote for the administration of Martial Law to submit the observations which he wished to make on the court-martial.

The Marquess of HARTINGTON said, he did not think the Government could promise to defer Vote No. 6 until after the Motion respecting Colonel Crawley's Court Martial, but he would promise that the discussion on Vote No. 6 would not be taken until the proceedings of the court-martial were in the hands of hon. Members.

Colonel NORTH said, he wished to know whether there would be any objection to give the House an opportunity of inspecting the models of the bungalows, &c., without which it would be difficult, if not impossible, for hon. Members to understand the evidence given before the court-martial.

The Marquess of HARTINGTON said, there would be an objection to removing the models which were produced before the court-martial from the custody of the Judge Advocate General, inasmuch as they were the record of the proceedings of the Court. Accurate plans and drawings had, however, been made from these models, and the House after seeing them would be as well able to form an opinion as if they had the models.

GOVERNMENT ANNUITIES BILL.

QUESTION.

Mr. **CRAWFORD** said, he wished to know, Whether the Government intend to proceed to-morrow with the Government Annuities Bill?

The **CHANCELLOR of the EXCHEQUER** said, that the proceedings of the Government would depend upon the progress made that evening. Until his noble Friend the Under Secretary for War obtained his Vote for the number of men, the Government could not do anything but ask for Committee of Supply. Presuming that Vote was obtained this evening, if there was sufficient time to-morrow evening they should propose to take the Annuities Bill immediately after the Motion for Supply was disposed of. He did not, however, propose to invite the House to-morrow evening to discuss the question with regard to life assurances, but merely to dispose of the clauses relating to annuities to which there was no objection, and then to fix the next Government evening for the discussion of the clause on the subject of assurances. He might add that his right hon. Friend the Home Secretary would place the Penal Servitude Bill immediately after the Annuities Bill.

Sir **MINTO FARQUHAR** said, he would beg to ask the right hon. Gentleman, whether he was not aware that the hon. Member for Dudley (Mr. H. B. Sheridan) has given notice of a Motion, that he would move the postponement of the further consideration of the Annuities Bill for a month?

The **CHANCELLOR of the EXCHEQUER** said, it would be quite competent for the hon. Member for Dudley to move to postpone the Bill if he chose, but the proper plan would be to take the clauses to which he had referred, and then, when they came to the clause on life assurances, to move to report Progress, and to postpone the discussion upon that clause for a month.

DEBATE ON KAGOSIMA—ADMIRAL LAMBERT.—EXPLANATION.

Mr. **BUXTON** said, he wished to refer to a statement which he had made on a former occasion, to the effect that Admiral Lambert had bombarded Rangoon. He stated then that Admiral Lambert had acted under orders of his superior officer; but he had since received information from officers who were present, that the greater part of the town was burnt down by the natives themselves, and that the rest was burnt accidentally by our men. He wished, therefore, to withdraw the whole of the statement which he had made on the occasion to which he referred.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

REDUCTION OF THE ARMY.

OBSERVATIONS.

Viscount **PALMERSTON**: Perhaps the hon. Member opposite (Mr. H. Baillie) will allow me to appeal to him to postpone the statement of his views upon the reduction of our military establishments. Would it not be more convenient to the House, and equally conducive to the object he has in view, if he were to reserve his remarks and arguments until my noble Friend (the Marquess of Hartington) has moved the first Resolution, with regard to the number of men. I do not say there is any irregularity in the course which the hon. Member proposes, but I think the other course the more convenient.

Mr. H. **BAILLIE**: I regret that I cannot accept the proposal of the noble Lord, because it would confine the discussion within very narrow limits. I feel it necessary to proceed before going into Committee. I regret to find that it is the intention of Her Majesty's Ministers to make a reduction in the army. It is true that the proposed reduction is not on a large scale; but such as it is I object to it under existing circumstances, on two grounds—first of all, because I believe I shall be able to show the House that the army of this country at the present time is not sufficiently large to provide adequately for the duty that is required, and because I think it is both cruel and unjust to sacrifice the health and the lives of British soldiers in order to save the money of the State; and secondly, I object to this reduction of the military force of the country because, under existing circumstances, and in the present state of the foreign relations of the country, I believe the reduction to be ill-timed. As to the first proposition, the House is probably aware that more than two-thirds of the army of this country is at the present time serving in India and in the colonies—in climates for the most part tropical, injurious to health, and fatal to European life. It was under these circumstances that, some years ago, very strong remonstrances were made to Her Majesty's Government, from the highest military authorities in the country, against the practice which at that time prevailed of leaving Her Majesty's regiments for indefinite periods in India. It was stated, that the practice was not only injurious to health and destructive to human life, but fatal to the discipline of the army. At that time, it was the common practice to leave regiments in India for twenty-five years, and hon. Members will easily understand that the officers of those regiments must have become unfit for any other service. It was under these circumstances that Her Majesty's Government took the whole of the circumstances into consideration. I think Mr. Sidney Herbert was Secretary at War at that time, and after full deliberation it was decided that Her Majesty's regiments for the future should not be compelled to serve for a longer period than ten years consecutively either in India or the colonies. Now I think it will be admitted by the House, that ten years consecutive service in a tropical climate is quite long enough, more especially when I state to the House what is the ordinary result of that service. There are few hon. Members in the House who would suppose, or who would be prepared to realize the fact, that when one of Her Majesty's regiments is ordered to India, practically speaking, so far as the private soldiers are concerned, it is a doomed regiment. Now let me explain, Let us suppose that a battalion of 1,000 men is ordered to India; they will be all young men, selected for the purpose, and in perfect health. What would be the condition of that battalion at the expiration of their ten years' service in India? We have lately had presented to us a most valuable Report—the Report of a Royal Commission appointed to inquire into the sanitary state of the army in India. That Commission instituted an inquiry extending from the beginning of the present century down to the present time, and from the Report of that Commission we are enabled to ascertain what is the average rate of mortality of European troops serving in India. It is stated in that Report that the deaths in the European troops of the East India Company for the series of years commencing with the present century and coming down to the year 1857, amounted to 69 per 1,000 per annum, or a fraction less than 7 per cent. Now let us apply that calculation to the battalion to which I have referred, and see what is the result. At the expiration of ten years' service that battalion will have lost, by deaths, 690 men. There will then remain 310 to be accounted for. But a great proportion of these have been invalided and sent home; so that, practically speaking, a battalion would be annihilated in ten years. But the Commissioners give us another calculation, which is, I think, still more unfavourable to the soldier. They tell us that an annuity upon the life of a soldier in India at the age of twenty—and that is the most favourable age for them—is worth twelve years' purchase, or ten years' less than an average annuity on that age at home; so that, according to that calculation, the whole battalion would be extinct in twelve years. The House will of course understand that there are stations in India where the mortality is not so great; but there are others where it is still greater. At Peshawur, for example, where we have a very large garrison, and which I believe to be a regular pest-house, the mortality is far greater. The calculation to which I have referred takes the average—the only way in which such a calculation can be fairly made. Now, under these circumstances, I think the House will admit, that the regulation proposed by the Government, confining the period of service of British soldiers to ten years in those tropical climates, was wise, just, and humane, and ought to be maintained and enforced by Parliament. Well now, Sir, having made that preliminary statement, I will go to the facts of the case. I am prepared to show and to prove beyond the possibility of a doubt, that the army which we have in this country at the present time is not sufficiently large to furnish the ordinary relief to the troops that are serving abroad; that is to say, if the period of service is to be confined to ten years, allowing the troops that return home five years to remain at home. That is the shortest period which could be allowed them. Now, this is a proposition very easily proved. We have only to ascertain what is the number of battalions serving abroad with the number serving at home, and the calculation is very easily made. First, then, let us see what is the number of battalions that are serving abroad at the present time. In this calculation I do not mean to include either the cavalry or artillery ; for, although the same rule applies to all services, the calculation is more easily made by battalions. Of course, I do not mean to include local battalions, such as the four West India regiments, the Canadian Rifles, the Ceylon Rifles, and the Cape Rifles. Excluding all these, I find that there are serving abroad at the present time—that is, on the 1st of January last — 107 battalions. Now, the question is, what is the amount of force requisite to be maintained at home in order to give relief to those 107 battalions once in ten years, allowing the regiments that come home five years to remain at home. The number required for that purpose would be fifty-three battalions. That is the smallest number with which relief could be regularly made. And now let me tell the House what is the actual amount of force we have in the country in order to perform that duty. It amounts to thirty-three battalions :—so that we have actually twenty battalions less than the force absolutely required in order to carry out the ordinary relief of the service. Now that is a very serious matter, because it involves the lives of the men and the discipline of the army ; and I say that it is a very discreditable state of things for the House of Commons. If the House of Commons thinks proper not to vote so great a number of men, if they think that the force we have in India is too great, let that force be reduced. If they think the number of battalions we have in our Colonies too great, let some of them be recalled. If they are of the opinion of the right hon. Gentleman the Member for Staffordshire (Mr. Adderley), that the Colonies should defend themselves, well and good — recall those troops from the Colonies that are capable of self-defence. This may be good or bad policy, wise or unwise ; at all events, it would be logical. But what I complain of is, that the House of Commons should deliberately permit any Government to sacrifice the health and the lives of British soldiers for the purpose of gaining a little temporary popularity in this House by reducing the army below that standard which the requirements and interest of the public service absolutely demands. This is a very important question, and I trust we shall have a clear explanation of the subject from the Government.

Now I have stated my first objection to a reduction in the army, and the House will observe that I have based it solely on what I believe to be the interest of the British soldier. I will now proceed to advert to what I believe to be the interest of the public. I think, Sir, the House cannot have failed to perceive—indeed, I am sure many hon. Members are painfully conscious—that the influence and control of this country over the affairs of the world have of late years sensibly diminished. It is true that England still occupies a position as one of the five great Powers of Europe ; but the voice of England no longer exercises that power and that control over events which she formerly exercised. To what is this to be attributed ? I regret to say that a very general opinion, a very general feeling prevails in every country in Europe, and also in America, that the people of this country, having by their trade and commerce acquired great wealth, are now much more anxious and careful to preserve their money than to maintain the honour of their country. This is an opinion which prevails in every country in Europe. We are spoken of in the most degrading terms even in those countries which are naturally the most friendly to us. Austria is, perhaps, one of those countries most friendly to England, and is the natural ally of England, and this is the opinion we find expressed in the public papers there on the policy and conduct of England. These papers say the foreign policy of England is ambiguous, faithless, pitiful, abominable, and unspeakably cowardly. Now we shall not find the French papers more complaisant ; but the Americans are, of course, the worst of all. Now I will not stop to inquire whether these opinions are well or ill-founded. All I maintain is that they exist ; and it is to this cause that we must attribute the humiliation of our Foreign Minister—his failure in all his diplomatic negotiations with foreign Powers. We have seen Earl Russell humiliated by being compelled to withdraw a despatch which he had addressed to a great Power, and which he had communicated to all the other Powers of Europe, because he was told by the Prussian Minister that it would lead to war. We have seen Lord Russell fail in his negotiations with Russia on behalf of the Poles, because he declared that under no circumstances would England go to war. We have seen Lord Russell fail in his negotiations with the German Powers on behalf of Denmark—and it was only natural that he should fail, because at the very time Lord Russell was using high language and reminding the German Powers that England was bound to maintain the integrity of Denmark, those Powers knew very well that the Ministry had decided that under no circumstances would they go to war. Now this is a mode of diplomacy which must inevitably fail. I do not say that England ought to go to war, but I say that if England interferes she ought to be prepared for that event. I believe Her Majesty's Government call this "exercising the moral influence of England." Why, the moral influence of England is a myth. I should call it attempting to trade on the past reputation of the country; but forgetting that from their hands that reputation had passed. Now, Sir, we see a different mode of diplomacy prevailing on the other side of the Atlantic. There we find that when Mr. Seward has an important demand to make on our Foreign Office he invariably backs that demand with the intimation that the people of America have grown warlike —that they are ready and willing, and even anxious to go to war with England—that he has a great difficulty in restraining them; and it is wonderful to see the "moral influence" that diplomacy produces at our Foreign Office, and the humility with which it is received. Now, Sir, such being the state of our foreign relations, men are naturally curious to know why the Government should have seized this opportunity to make reductions in the army. I am aware that by the forms of this House we are enabled to reduce, but that we cannot increase the Estimates submitted by Ministers. We are therefore, to a certain extent, at the mercy of the Government, and we must submit to any humiliation which their policy may entail. But we are not altogether without light upon the motive power which influences the Government, because by the revelations, or rather, I should say, that ingenuous confession made by the right hon. Gentleman the President of the Board of Trade to his constituents, we learn that there is scarcely one great public question upon which the present Cabinet are united in opinion. It is then, with such a Cabinet, and backed by a bare majority of this House, that the noble Lord the First Minister of the Crown has to deal. We cannot be surprised, under these circumstances, that he should be compelled to yield—to make concessions even to the smallest sections of his political supporters. That is, I believe, the real solution both of the foreign policy of the Government and of this reduction in the military force of the country. It is, no doubt, a great misfortune, which I sincerely trust the noble and confiding people of England may not hereafter have just reason to complain of. Sir, I felt it my duty to make these observations, in order to raise my protest against the Estimates that are about to be submitted to the House.

THE YEOMANRY CAVALRY.

RESOLUTION.

Colonel EDWARDS rose to move—

> "That the discontinuance in the present year of the assembling of the yeomanry cavalry for the accustomed period of six days' training on permanent duty would be detrimental to the efficiency of the force, and contrary to the recommendation of the Committee appointed by Lord Herbert in the year 1861, and is inexpedient,"

and said—Sir, I rise to bring forward the Motion of which I have given notice, and must say that I do so with some little feeling of delicacy, considering that there are on both sides of the House officers senior to myself, who would have dealt with the question much more efficiently than I am able to do; but, as far as I can see, the whole subject lies in a nut-shell, and I expect there will be very little difficulty in explaining to the House the view I entertain of the question. In the first place, I wish to express in the strongest terms my indignant protest against this pitiful economy on the part of the Chancellor of the Exchequer, and in passing simply say this—that it is not my opinion only, but the opinion of a large majority of hon. Members, that the manner in which he is about to deal with the yeomanry cavalry is of his own seeking; and the rest of the Government, or, at all events, a majority of her Majesty's Ministers, are opposed to it. That is my own surmise. Still, I venture to say it is the impression of nearly the whole of the House of Commons. Sir, I wish to express my indignation at the Chancellor of the Exchequer this year declining to call out the yeomanry for its annual period of eight days' training, and this, too, in the face of a contemplated large surplus. And what is the result of that reduction in the Estimates? Why, it amounts to the trumpery sum of six-and-forty thousand pounds, or, to give the exact figures, to £46,276—a mere drop in the ocean, beneath the consideration of the House of Commons under all the circumstances. Sir, it may be said by Members of the House that I am an interested party. Well, Sir, I will not deny that I am interested as an Englishman and a Member of the House of Commons. I am also interested as the commandant of a regiment that has done some good service to the country, having received the thanks of the Government, at all events, on one memorable occasion; and I consider that I am also interested in the manner in which the yeomanry force of England is in future to be maintained. The colonels of the yeomanry regiments have a responsibility which can scarcely be overrated. I have seen letters, within the last few days, from a great number of field officers, and especially colonels of regiments, disapproving of the step of the Government. I trust I may have credit for sincerity in reiterating my conviction, that it will be contrary to the wishes and welfare of the whole of the corps. Sir, I feel the deepest interest in the force admitted by our best general officers to be an efficient auxiliary to the regular army. It has been admitted over and over again by a distinguished officer, the late Secretary for War, who I am always proud to see in his place on this side of the House, and also by Major General Sir James Chatterton, who himself has inspected sixty-nine regiments, that the yeomanry cavalry, as a body, performed the duties required of them in a most satisfactory manner. Then, Sir, it seems that some credit is due to that force of which I am such a humble member. It is a question whether the yeomanry cavalry is of any use or no use at all. If it is of no use, disband it at once; but if it is of any value as an institution of this country, as a domestic force of our own, in aid of the civil power and for other important duties, for heaven's sake do not attempt to disable and discourage it, and impair its efficiency in the way you now propose, but give it a fair chance of keeping up the credit it has always maintained in England and out of England. If it is of use, why select this time to discourage it, when every power in Europe is engaged in military preparations on a gigantic scale, and trembling at the threatened earthquake of war; we see almost every nation on the face of the globe bristling with arms; when we see France and Russia, and Prussia, Austria, and Italy, in fact every country in the world, prepared at any moment should a blunder occur, which is very probable, on the part of our Foreign Secretary — for he has not made very few mistakes in the short period he has been in office— when a slight mistake of our Foreign Secretary might plunge the whole of Europe in war, and create such a flame as would take half a century to extinguish. Why, it was only the other day our little army of regulars was reported to have been under orders for Denmark. In such an event, I ask, what strength have you left to rely upon at home for the preservation of order. This is the position in which we are placed now, when we talk about reducing our army and navy and domestic forces—one of our domestic forces at any rate. This, I repeat, I attribute entirely to the Chancellor of the Exchequer, who seems to delight in neglecting and disparaging the yeomanry. Not long ago, to effect a miserable saving of expense, it was considered necessary that the officers of the yeomanry should be mulcted of their wretched pay, and this was actually done for one year; but it produced such an impression of disgust amongst the officers of the force, that a meeting was held at a nobleman's house in London, and a committee appointed as a deputation, of which I was one, to represent the case to the War Office. We had a long interview with Lord Herbert, but produced no impression. Not satisfied, we made an appeal to the Law Officers of the Crown; they gave an opinion in our favour, and we compelled the Chancellor of the Exchequer to disgorge every shilling that he had so misappropriated. That is the secret of the punishment which we are about to suffer at his hands. But there is another reason. The money needlessly wasted on the Crawley trial by having the court-martial held in England will cost the country something. Probably the Chancellor of the Exchequer may have had that payment in his eye when he made up his mind to snub the yeomanry. If report speaks true, the saving will about cover the cost of that trial. But I complain bitterly of this feeling on the part of the Chancellor of the Exchequer, which he has shown on so many previous occasions, when he has an opportunity of giving the yeomanry a kick. Now, I yield to no man in the country in appreciation of that magnificent force, the Rifle Volunteers, who have become, I trust, a permanent institution of the country. In my own district, I may venture to say that no man has exerted himself more in co-operating with others to establish regiments than I have, and I am happy to say that we have succeeded, and I feel a great pride in witnessing and bearing testimony to their zeal and efficiency. The Rifle Volunteers, or I may now call them the national guard of the country, have in their ranks 150,000 men, the nucleus of a large army for the defence of this country — such an army as we had in 1803 and 1804—when I believe the Volunteers numbered 400,000. Well; it is in times like these that we ought to have such an army to depend upon; and my own impression is, that if they had not been in existence, if that magnificent institution had not been formed, we should not have been on terms of peace, at this moment at all events, with one of our nearest neighbours and allies. Whilst I thus bear testimony to the national value of the Rifle Volunteers, I do not see why the yeomanry cavalry of this country, the older institution of the two, should be met with kicks from the Government at every corner. Is it right, considering that they have always done their duty when called upon, that they should receive such treatment at their hands, when they are prepared at all times to act for the purpose of keeping order in the country? The Rifle Volunteers, as at present constituted, are for the defence of the country from invasion; but it seems our gallant yeomanry force of 14,000 men must be treated like Denmark, and driven out of the field, in order to cull a little popularity in the manufacturing districts. Sir, I was speaking not long ago on the responsibilities of colonels of regiments throughout the country, but more particularly in the manufacturing districts, where we all know that tumults arise occasionally and that we have not always had a sufficient force to protect property and keep order. I would instance the memorable riots in the North of England in 1842. Upon the yeomanry cavalry you may always rely; and if you attempt to get rid of this force, which appears to be the wish of one or two Gentlemen on the Treasury bench, I think the country may have reason to regret it. I would repel such an attempt with indignation, as being unwise and impolitic. The ungracious and gratuitous attempt made by Colonel M'Murdo, who has ever shown a hostile and jealous feeling towards the yeomanry, to substitute mounted volunteers for the old constitutional domestic force, utterly failed as to numbers; and up to this moment they do not amount to one-tenth of the latter, the proportion being, I believe, as 1,200 to 14,000 men and upwards—besides the fact of this new subsidiary force being utterly unavailable, except in the event of invasion. I rest my case on the Report of the Committee appointed in the year 1861, by the late Lord Herbert, to inquire into the present organization and establishment of the yeomanry. That Report is a document of great importance, and I will now proceed to read to the House one or two of its paragraphs. I find in it the following statement on the subject of the comparative position and relation of the mounted Volunteer corps to the yeomanry:—

> "We find that a yeoman is at all times liable to be called out in aid of the civil power, and, further, to perform escort duty at the shortest notice. A mounted volunteer is exempt from these services, and is not liable to be taken away from his home, even for a day. A yeoman, on the other hand, is not only liable to hold himself and horse in constant readiness for service throughout the entire year, but in addition to attending drill in his own vicinity (as the mounted volunteer does), he is bound to leave his home and avocations for eight consecutive days in every year for the purpose of being instructed in regimental movements, when, as already stated, he receives only sufficient pay to cover his necessary outlay."

It contains another important paragraph in reference to the question of permanent duty. That paragraph is as follows:—

> "As regards the present system of training for six consecutive days (exclusive of marching days), as compared with fewer day's permanent duty and a larger amount of troop drills, the evidence we have taken shows that any diminution of the period of permanent duty would be detrimental to the efficiency of the force. We do not, therefore, recommend any reduction of the number of days usually devoted to this duty. We consider the assembly of regiments upon permanent duty so essential to the efficiency of the force, that we recommend that they should invariably be called out for this duty, in preference to assembling them for exercise under the Act of 44 *Geo.* III., c. 54."

I will now read the concluding paragraph, which is, in my opinion, deserving of special consideration; and as the appointment of the Committee was a measure adopted by the War Office, and as Lord Herbert himself nominated its Members, it ought to have special weight with hon. Gentlemen on the other side of the House. In their concluding paragraph the Committee state:—

> "We cannot conclude our Report without adverting to the circumstance of the yeomanry force having from year to year maintained its numbers. We are confident that the country may rely upon a continuance of the loyalty and zeal of the members of this force to keep the ranks effective with horses as well as men; and we are satisfied that they will not only, as heretofore, prove equal to the duties required of them in times of disturbance, but also be found a valuable auxiliary to Her Majesty's regular forces for national defence."

After such a testimony to the value of the yeomanry, I believe that if Lord Herbert were now alive he, at all events, would never sanction this attempt to disparage that corps on the part of the Chancellor of the Exchequer. I now make one last appeal to hon. Members on both sides of the House. You must recollect that the whole of this Vote does not amount to more than £46,000; and, in justice to the yeomanry of England, in justice to the field officers placed in command of that force, whose responsibility is so serious, and in justice to the Committee which inquired into the subject, I ask you not to run the risk of impairing the efficiency of such a valuable element in our means of national defence by withholding that amount. I was very much astonished the other day at receiving a copy of a circular addressed by the War Office to the Lord Lieutenant of the county with which I am connected, as well as to the other Lord Lieutenants of counties throughout the country generally. That circular is as follows:—

> "My Lord,—I have the honour to acquaint your Lordship that the corps of yeomanry in the Riding under your Lordship's charge will not be called out, either for permanent duty or for training and exercise, during the year 1864-5, Her Majesty's Government being of opinion that, as the force generally is in a high state of efficiency, such services may be dispensed with for the period in question.—I have the honour to be, my Lord, your Lordship's most obedient humble servant, "De Grey and Ripon."

That is to say, in other words, that because we have accomplished a most desirable object, we must abandon the means by which it has been attained. That is adding insult to injury. I again implore the House to do justice to a corps which so well deserves justice at their hands. The hon. and gallant Member concluded by submitting his Motion to the House.

Sir MATTHEW RIDLEY seconded the Motion. He believed it had become too much the habit of the Government and of Parliament to treat the Yeomanry as a force maintained for the sole purpose of assisting the civil power in maintaining the peace. But it really occupied another and most important position—it was a portion of the constitutional defence of the country, and was entitled to rank with the militia and Volunteers as a subsidiary to the regular army. The Volunteers Act of George III., under which it was originally constituted, assigned to it that position, and directed the assembling and marshalling, not only of the Volunteers, but of the militia and all other subsidiary forces, and it gave power to the Lords Lieutenant of counties, on any apprehended invasion, or even on the approach of a hostile fleet towards our shores, to call out such forces —"all or any of them." Such was, likewise, the object and intent of the Volunteer Act of Her present Majesty. The fifth section of that Act made provision for regulating the command of the Volunteer, Yeomanry, and militia forces when called out for actual military service. It was clear, therefore, that Parliament had hitherto contemplated one common course of action to be observed by the subsidiary forces of the kingdom, including the Yeomanry. Last year an additional sum was voted, in the most unhesitating and most generous spirit, for the Volunteer Rifle Corps and the Volunteer Artillery, and the only condition attached to the grant was, that the money should be distributed according to the efficiency of the corps as reported by the inspecting officers. He trusted, then, that Parliament would not this year withhold from the Yeomanry their customary allowance. The War Office might say, as they had said in the circular read by his hon. and gallant Friend, that the reports of the inspecting officers, as to the efficiency of the Yeomanry, had for many years past been so very satisfactory that it would be quite unnecessary to call them out for service in the present year. It appeared to him that weaker ground could not be taken; for, if the Yeomanry had been made efficient, by all means let them be kept so, and do not allow them to go back. As an old Yeomanry officer, he could bear his testimony to the great importance of keeping the force together. He believed, indeed, that the non-assembling of them, even for one year, was highly prejudicial, inasmuch as it led to the loss of some of the most valuable men and of the most practised horses, induced many of the men to return their clothes and accoutrements, and perhaps leave their regiments, from a feeling that they were not treated fairly by the Government, and created dissatisfaction and discontent among the whole body. It should be recollected, moreover, that in the opinion of all military authorities it was much more difficult to train cavalry than infantry. It would be a heavy discouragement to many Yeomanry officers younger than himself if the Government persevered in the intention it had announced. Unwearied attention had been displayed by many commanding officers, great expense had been incurred for riding schools, accommodation for the staff, and the storing of accoutrements—matters in respect to which the Yeomanry were in many cases not surpassed, and scarcely equalled, by any regiment of regular cavalry. He said, then, that the move contemplated by the Government was most ungracious. No very friendly feeling appeared to be entertained towards this force in official quarters. The hon. and gallant Member for Beverley (Colonel Edwards) had imputed to the Chancellor of the Exchequer a rather discourteous proceeding towards it. Perhaps the hon. and gallant Member went too far in his description of the right hon. Gentleman's treatment of the Yeomanry officers, when he said they had received a kick from him; but he would still ask the right hon. Gentleman, in the spirit of the old play—

> "It is true that you did not dissemble your love,
> But why did you kick us down stairs?"

He earnestly hoped that the House and the Government would pause before they finally determined on withholding the usual annual grant from one of the most valuable elements in our national defences.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "The discontinuance in the present year of the assembling of the Yeomanry Cavalry for the accustomed period of six days' training on permanent duty, would be detrimental to the efficiency of the Force, and contrary to the recommendation of the Committee appointed by Lord Herbert in the year 1861, and is inexpedient,"—(*Colonel Edwards,*)

—instead thereof.

The Marquess of HARTINGTON said, that he did not rise for the purpose of following the hon. Member for Inverness (Mr. H. Baillie) in the observations he had addressed to the House on the proposed reduction of the army. Although the hon. Member did not think proper to accede to the request of the noble Lord at the head of the Government, that he should postpone his remarks till they had gone into Supply, still he trusted it would not be thought that he was treating either the hon. Gentleman or the House with disrespect, if he said he felt that it would be more convenient if he were permitted to defer any observations which he had to offer on the reductions about to be proposed, and, among others, on the reduction of the number of men for the regular army, until he made his statement in Committee of Supply. But as he understood that the hon. and gallant Member for Beverley (Colonel Edwards) intended to press his Motion to a division, he thought it necessary then to say a few words, in order to explain the grounds on which the Government had acted in resolving not to call out the Yeomanry for permanent duty this year. At the same time, perhaps, he might be excused if he did not enter at that moment into any lengthened observations as to the necessity under which the Government had felt themselves placed to frame the Estimates of this year with some regard to economy. As hon. Members were no doubt aware, considerable charge had been brought upon the Estimates by exceptional circumstances, and especially by the war in New Zealand. At the same time, the Government had not thought that they would be justified in calling on the House or the country to make any extraordinary exertions to increase the large contributions which had, for so many years past, been made towards the expenses of the army. It became necessary, therefore, to frame the Estimates with the strictest regard to economy. In doing so, it was perfectly inevitable that they should be obliged to neglect or postpone certain services, and not to spend all the money they might wish to do in various directions; and among other items in regard to which they thought a saving could be effected without materially diminishing the efficiency of our force, the Government came to the conclusion that it would be advisable not to call out the Yeomanry for permanent duty this year. They, however, utterly disclaimed any intention to disparage in the slightest degree the services of that corps by this step. On the contrary, he and his Colleagues entertained the highest respect for the Yeomanry force, and had the greatest confidence in its efficiency and utility; in fact, if required to give a description of that distinguished volunteer force, and especially of the officers who had the honour of commanding it, he thought he could do so in a more flattering manner than the hon. and gallant Member for Beverley had done when he spoke of those officers as meeting together to protest against the reforms that a Committee which the hon. and gallant Gentleman himself had most emphatically praised and recommended to the Government. The hon. and gallant Member had represented the Yeomanry officers as placing such a pressure upon the Chancellor of the Exchequer as to compel him "to disgorge" the two half-crowns which he had earned by cutting down their pay to 7*s.* The hon. and gallant Member, however, did not tell the House that that reduction of pay was made by the recommendation of the Committee which he had so much lauded. The hon. and gallant Gentleman and the hon. Member who followed him had made a very ingenious use of the Report which they had quoted. The hon. and gallant Gentleman had dwelt on the concluding paragraphs — praising, and justly, the efficiency of the Yeomanry corps; but he omitted to cite the passage in which an opinion was expressed, that the sum of £1 10*s.* a year was enough to support the force in an efficient state. The officers, however, protested against that, and by bringing pressure to bear upon the Government, got the sum increased to £2. Then the hon. and gallant Member read the paragraph in which the Committee state that they did not think the period of permanent drill could be diminished with advantage. But the Committee were appointed to consider certain definite questions, and among those questions was the present system of training for six consecutive days, exclusive of market day, as compared with fewer days of permanent duty and a larger amount of troop drill. The Committee considered that subject, and arrived very properly at the conclusion that permanent duty was more beneficial to the force than an increased number of days of exercise. But they were never asked to give an opinion whether it would ever be advisable, under any circumstances, not to call out the Yeomanry for permanent duty at all. Of course, he did not say that it would add to its efficiency not to call it out. Officers interested in the efficiency of their regiments would naturally prefer that they should be called out. But he would remind the House that this was not the first time that that measure had been taken. On two former occasions, the Yeomanry had not been called out, and he was bound to say that, from the Reports of the Inspectors in the subsequent years, it was impossible to find that the regiments had suffered in any material degree in their efficiency. Therefore, the passage which had been read to the House from the circular that had been referred to was not conceived in any ironical spirit. The efficiency of the Yeomanry regiments was admitted; and although it might to some extent be impaired by their not being called out this year, yet experience showed that it would not sustain any serious detriment. He was unwilling to follow the hon. and gallant Gentleman into the observations he had made, from which it might almost be inferred that an invidious distinction was intended to be drawn between the treatment of the Volunteers and Yeomanry. He thought it would be unfortunate if such invidious comparisons were made in that House. The organization of the two forces was quite different. Even this year, when no sum was taken for calling out the Yeomanry, they were spending per man a considerably larger sum of money on the Yeomanry force than on the Volunteers. He could not, therefore, think that any useful object could be served by raising invidious comparisons between them. He was quite certain none was intended to be made by the Government; and he could only repeat that they were fully persuaded of the efficiency of the body, and had no intention to discredit them in any way whatever. The reduction that would be proposed had been dictated solely by motives of economy. They were obliged to cut down where they were unwilling to reduce, and they hoped the sum proposed would be saved without materially diminishing the efficiency of the force.

GENERAL PEEL: The noble Marquess has borne ample and willing testimony to the efficiency of the Yeomanry force, that he has cut from under his feet the ground of his own argument. Of all pitiful, penny-wise-and-pound-foolish economy, this proposal is the most extraordinary. If you have made up your mind that the Yeomanry are of no use, why not say so? But you call upon us to vote £41,000 for the permanent staff of the Yeomanry, and yet refuse the trifling sum requisite for the six days' training on permanent duty. Is it possible that the noble Marquess, with the Report of the Committee appointed by Lord Herbert for the purpose of inquiring what is essential to keep the Yeomanry effective, can be so unmindful of its directions? I hope the noble Marquess will at once agree to what is so perfectly evident, and what nobody can deny—namely, that the discontinuance even for one year of the six days' training on permanent duty would be detrimental to the efficiency of the force; that it is contrary to the recommendations of the Committee; and, thirdly, that it would be an inexpedient thing to do. I am perfectly certain if the noble Marquess will look through the Estimates he will be quite able to effect other reductions sufficient to make up the amount.

VISCOUNT PALMERSTON: I hope the House will not be led away by the very enthusiastic speech of the right hon. and gallant Gentleman who has just sat down. We are, as my noble Friend stated, fully sensible of the great value of the Yeomanry force and of their efficiency, and what we now propose does not either imply any want of appreciation of their merits, or, on the other hand, entail any sensible diminution of their efficiency. It is not the first time that the motive of economy with regard to the service of a particular year has prevailed, and the calling out of the Yeomanry has been omitted. There have been many years in which the Yeomanry have not been permanently embodied. I think it is a great disparagement of the Yeomanry not to believe that the efficiency of the force will remain unaffected, although for the space of one year six days' training on permanent duty may be discontinued. They have not been called out for two successive years; but it has often happened that for one year they have not been called out. The unfortunate war in New Zealand has entailed very large expenses incidental to the year, and which, we hope, will not occur in any future year. Looking over the various heads of charge connected with our military arrangements, we have thought the reduction proposed might fairly be made without any diminution of the efficiency of this valuable part of our domestic force. I hope, therefore, the House will not agree to the Motion of the hon. and gallant Member, and diminish by the amount of £46,000 that saving which we think the House may, with every regard for the safety of the country, wisely agree to.

SIR WILLIAM MILES said, he should not have been surprised if the noble Lord had given a silent Vote on this occasion; but he certainly was surprised at what he now said. When the noble Lord presided at the Home Office, and a deputation of Yeomanry Officers waited upon him, including the Marquess of Ailesbury and Lord Eversley, he (Sir William Miles) was also present. The noble Lord received them most courteously, and after hearing the whole of their case, in which they set forth the necessity of the Yeomanry being called out for a longer period, the noble Lord, as it seemed to him (Sir William Miles), was so convinced by the arguments the deputation addressed to him, that he was disposed to extend the period, not only to eight, but to ten days; and if his right hon. Friend (the Chancellor of the Exchequer) had not come to the rescue—for the order had been given and disseminated from the Home Office—the alteration would probably have been made.

THE CHANCELLOR OF THE EXCHEQUER said, he had nothing at all to do with it.

SIR WILLIAM MILES said, he had thought it probable that the right hon. Gentleman had a hand in it. After this opinion of the noble Lord while at the Home Office, he (Sir William Miles) was surprised to hear the noble Lord say that the efficiency of the Yeomanry could be as well kept up if their calling out were intermitted for a year. His regiment was not called out in 1860, and the result was, that when they were inspected in the following year, every fifth man was found to be a recruit. He could not conceive why this change should be called for. If they did not want the Yeomanry, let them dismiss them, but let them not be dealt with on such a penny-wise-pound-foolish principle. Let the Government tell them, "We want you," or "We do not want you;" but let not the position of the commanding officer be rendered so embarrassing, and let not the proffer of services so valuable be treated in such a manner.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 158; Noes 157: Majority 1.

REPORT OF THE INSPECTORS OF CONSTABULARY—POLICE SPY SYSTEM.

OBSERVATIONS. QUESTION.

MR. ROEBUCK: Sir, I wish to call the attention of the House to a Report which has been made to the Home Secretary, and I wish to ask a question of the right hon. Gentleman respecting that Report. It will be in the recollection of every one that, within the last few days, a remarkable trial has taken place in France, which furnished us with a notion of what the police system is there; and, thereupon, the most influential journal of England, and probably of the world, published a strong article upon the effect of the spy system in France. At that trial it was seen that the spy system was employed to track men who were denounced as conspiring to commit a great crime, and the spy system was put into operation to prevent that crime and to bring those who contemplated it to justice. The article in *The Times* newspaper spoke of that system in terms of reprobation, and it stated that certainly the people of England would not bear such a system among them. I am very much afraid that the people of England not only may, but actually do bear the existence of a spy system of which they have but little idea. I take it that if a spy system were established in the country, in places where the population is comparatively thinly scattered, all hopes of privacy would be at an end, and the pleasures of private life would be poisoned, embittered, and almost destroyed. It happens that we have established police all over England, and in London there are, as I learn from the Inspectors' Report, societies organized for the purpose of supplying information to inquisitive persons. The pretence is that of defending credit and preventing crime; but the result is, that the habit of inquisitiveness is propagated, and a desire for tittle-tattle is very much fostered. Everybody wishes to know everything about everybody else, and what "Mrs. Grundy" may say is an important question in every family. But, as we know that in France the steps of men were dogged from hour to hour, by night and by day—that men could not go out or return home, could not dine or go to bed, without the police knowing it—so in the present circumstances of England private life in the same way may be watched, and we shall be unable to stir without somebody following to report our actions. In order to make the House understand what I mean I will read a few lines from the Reports of the Inspectors of Constabulary in England, ordered to be printed on February 9th last. In his report, General Cartwright, the Inspector of Police in the Eastern Counties, Midland, and North Wales district, makes this statement—

"During my inspection in the county of Lincoln, Captain Bicknell, the Chief Constable for that large and important county, brought under my notice a system which he had discovered of private communication between individuals or societies and members of the force, which I cannot better explain than by entering the letter addressed from Captain Bicknell to the county paper upon the subject—

"'To the Editor of the *Mercury*.

"'Chief Constable's Office, Lincoln,
August 12th, 1863.

"'Sir,—The police of this county are constantly receiving letters from private inquiry offices, seeking information as to the character, respectability, and money value of persons residing in the towns and villages, generally of small traders, but sometimes of clergy and professional men. Companies are formed for the professed object of conducting these inquiries, and the practice is becoming very prevalent. I think most persons are little aware of the system of spying that is going on, and that "strictly confidential" communications may be passing concerning them which may be of serious injury to their prospects, and that their names may be inscribed at the offices in the "register of persons deemed unworthy of credit." The police of the counties and boroughs are largely applied to by these offices, and it is within my knowledge that, in some instances, the information sought has been furnished, and remuneration received. Such matters, unless on criminal information, are, I conceive, beyond the province of the police; and it is to make known that I have prohibited any replies to such inquiries on the part of the constabulary of this county, and also to draw the attention of the police authorities generally to the subject, that I request the insertion of this letter in your widely circulated paper. I enclose you a specimen letter of inquiry, but not for publication. I am, &c.,

"'PHILIP BICKNELL,
Chief Constable of Lincolnshire.'"

Upon this General Cartwright makes some observations, which I will read to the House—

"Considering this is a most important communication, I have made a point of inquiring whether this system has been generally in force, and I have to report, that in many counties and boroughs I find it to be of common practice. Feeling deeply how injurious such a system must be to the wellbeing of the force, I cannot too strongly impress upon you my firm belief that, unless it is at once suppressed, the support the force receives from the public will be greatly damaged, if not entirely withdrawn. According to the title of the Act, under which the force is established, it is stated to be for the more effectual prevention and detection of crime, suppression of vagrancy, and maintenance of good order. The duties here are so well defined that it must be clear to every one that any strictly confidential inquiries into private means and character between individuals or societies and police officers, is one of the most dangerous transgressions of duty that can be imagined. The efficiency of the force depends upon its popularity, which, if removed, is fatal to its main support; as, according to its efficiency, it becomes popular, so according to its popularity it becomes efficient. In my circuit of inspection, wherever I have mentioned this subject to any of those in command of forces it has met with their immediate reprobation. This course of action may check the system referred to, but I consider it of such vital importance to the force, that I have thought it my duty to bring it under your immediate consideration."

The chief consideration which presents itself to General Cartwright is very properly the efficiency of the police force; but it is right that this House should consider the welfare of the community. What I wish, therefore, to ask the right hon. Gentleman is, Whether his attention has been called to this very important communication; whether he has come to any resolution respecting the course pursued by the police in these cases; and whether he has issued any orders thereupon?

SIR GEORGE GREY: No doubt the practice to which General Cartwright has called the attention of the Secretary of State, is a most objectionable one, and the employment of the police in certain parts of the country, not under the authority of their officers, but by private communications with private parties, in making these inquiries, is altogether foreign to the object for which the police force was established. As soon as my attention was called to this passage in General Cartwright's Report, I directed a circular to be addressed to the Chairmen of Quarter Sessions in counties, and to the Chairmen of Watch Committees in boroughs possessing a separate police force, and to the police authorities in Scotland. This is the form addressed to the Chairmen of Watch Committees—

"Whitehall, Feb. 3.

"Sir,—I am directed by Secretary Sir George Grey to request that you will call the attention of the Watch Committee to the inclosed extract from the last Report of Lieutenant General Cartwright, one of Her Majesty's Inspectors of Constabulary, respecting a system of private communication which appears to be in operation between individuals or societies and members of the constabulary force; and I am to request that inquiries may be made upon this subject with reference to the police of your borough, and that special instructions may be given to prevent a practice which is open to very serious objection. I am, Sir, your obedient servant,

"H. A. BRUCE,

"The Chairman of the Watch Committee."

I have received a great many letters in answer to this circular, and, although some replies are still wanting, I am happy to say that the general result shows that the practice does not exist except in only a very few instances; and, attention having been called to the subject, I hope the notice taken of it by General Cartwright, and the steps adopted in consequence, will effectually prevent the continuance of the practice.

THE CONTROLLER OF THE NAVY AND THE DEVONPORT ELECTION.

QUESTION.

MR. FERRAND, pursuant to notice, rose to put Questions to the Secretary to the Admiralty, on the present Controller of the Navy having appeared in the uniform of his rank when Captain of the Steam Reserve at the Devonport Election in 1859, and taking an active part in its proceedings. Ten days ago the hon. Member for Sunderland (Mr. Lindsay) brought under the notice of the House the Report of the Royal Commissioners appointed in the year 1861, to inquire into the Dockyards. On that occasion I took the liberty of calling attention to what I described as Whig tyranny and political interference in Devonport on the part of the Admiralty by the late and present Controller of the Navy. The charges I made were clear and distinct—there could be no mistake about them — and I made them in the presence of the Secretary and junior Lord of the Admiralty. Neither of those honourable officials thought it their duty to contradict any statement I made on that occasion. They both held their peace, and from that time to this day the charges that I made have never been contradicted. I was astonished at the silence of the Secretary of the Admiralty and of the junior Lord; and, for the purpose of obtaining from them some distinct confirmation or denial of the statement which I made, I placed on the paper of the House a notice intimating my intention to put some Questions to the Secretary of the Admiralty. After I had placed that notice on the paper, I was told by an hon. and gallant Friend of mine (Sir John Hay) that he intended to read a denial to the House of some of the statements which I had made. That being the case, instead of putting the Questions I at first intended, I thought it necessary to alter my notice, and to intimate my intention, upon the Question of going into Supply, of asking the indulgence of the House whilst submitting certain questions, and of making a further statement in reference to that intended to be made by my hon. and gallant Friend. Since I received that information from my hon. and gallant Friend, I have looked into the proceedings which have taken place in what I may call the persecution of my late respected friend Mr. Augustus Stafford, and I am greatly surprized to find that the men who were the chief persecutors of that noble hearted Englishman — who had brought distinct charges against him of using his office for the purpose of bringing his political influence to bear upon the dockyard boroughs —have themselves actually, and to a far more guilty extent than Mr. Augustus Stafford, exercised their political influence in those boroughs. On the 21st of April, 1852, Sir Baldwin Walker—who was then Surveyor of the Navy, and I may say the chief persecutor of my late hon. Friend Mr. Stafford—addressed a letter to the then Secretary of the Admiralty, for the purpose of forwarding his resignation to the Board of Admiralty. I will read an extract from that letter, which was dated the 21st of April, 1852—

> "I must beg to tender to their Lordships my resignation, for I can no longer continue to hold the appointment of Surveyor of the Navy with such an imputation on my character, as that of allowing political motives to influence my admission to the Board."

Nothing further was heard in regard to Sir Baldwin Walker's resignation either inside or outside of this House. I believe that in consequence of some communications which had taken place between the Lords of the Admiralty, Mr. Augustus Stafford, and Sir Baldwin Walker, the latter gentleman was induced to withdraw his resignation. But on the 19th of April, 1853, Sir Benjamin Hall brought forward some distinct charges against Mr. Augustus Stafford, to support which Sir Baldwin Walker was the chief witness. On the 22nd of the same month a Committee was appointed to inquire into dockyard appointments and promotions. This Committee consisted of five Members of this House, and Lord Seymour, now the Duke of Somerset, was the Chairman. I hold in my hand some short extracts from the Report of that Committee. The Committee report that—

> "In 1849, Sir Francis Baring, being then First Lord of the Admiralty, introduced an additional precaution for the exclusion of political influence from the administration of the dockyards, by writing himself to the superintendents and principal officers whom he appointed, asking them as officers and gentlemen to give him an assurance that they would not interfere in the politics of the place. An important system of advancement must be productive of industry, and therefore of economy; such a system your Committee believe may be enforced, if the Board of Admiralty honestly persevere in its maintenance; and if, having appointed fit persons as superintendents, they direct them vigilantly to watch those whose fair co-operation can insure justice to candidates for promotion."

The Report says in another place—

> "For the purpose of securing a proper system of promotions in the dockyards, it may, perhaps, be fairly required that, if the system under which these promotions are now again regulated should be hereafter altered or modified, the information shall be laid before Parliament, as soon as an opportunity may be afforded for such communication."

The Report strongly censured Mr. Stafford for interfering with the duties of Sir Baldwin Walker, in whose hands the promotions in the yards then rested, on the recommendation of the superintendents. In this Report the present Duke of Somerset declares distinctly that no Government officer was to interfere in the elections, and that the Board of Admiralty should not interfere between the superintendents and the Secretary of the Navy. In 1855 the right hon. Baronet the present Secretary of the India Board (Sir Charles Wood) became First Lord of the Admiralty; and to prevent the slightest mistake taking place afterwards on this important question, he issued an order or regulation, which ought to be as binding on officers of the navy as are the Rules of this House upon its Members. When, on a former occasion, the right hon. Gentleman was explaining to the House what he had done in reference to the patronage in the dockyards, he said—

> "When I was First Lord the patronage was given over to the superintendents, and since then the Board of Admiralty have had nothing to do with promotion in the employment of the yards."

The noble Lord the Secretary to the Admiralty heard that statement, and he did not contradict it. He would now show the House what the facts really were. In 1858 the Government of Lord Derby came into office, and the right hon. Baronet the Member for Droitwich (Sir John Pakington) became First Lord of the Admiralty. It is an extraordinary fact, that in a short time after the right hon. Baronet came into office, promotions were stopped in the borough of Devonport by Sir Baldwin Walker; and none of the vacancies that then occurred in that borough were laid before the Board of Admiralty. I have already told the House how often I had demanded that these vacancies should be laid before the Board of Admiralty. I was told that there were no vacancies, and therefore no appointments could be made in the borough of Devonport. On the last day of the Derby Government I again went to the Admiralty, and insisted upon the production of the list of vacancies; at last it was produced. I then saw the Secretary to the Admiralty, who took me to the First Lord (Sir J. Pakington) and placed the list in his hands, but that he could not interfere because he had just resigned office. I have before told the House how those vacancies were filled up immediately by Sir Baldwin Walker when the Duke of Somerset became First Lord of the Admiralty. Now, I here assert that the Duke of Somerset and Sir Baldwin Walker on that occasion did precisely that for doing which they had both censured so severely and cruelly Mr. Augustus Stafford. The other night, when I made a charge against Sir Baldwin Walker for having in 1859 issued an address to the electors of Devonport, for the purpose of preventing them voting for me, accusing me of having told falsehoods, I then stated I regretted that I was not able to produce a copy of the placard containing that address to the House. I have, however, since had it searched for, and I have it now in my possession. This is the placard I hold in my hand, and it was issued by Mr. R. M. Watson, the Chairman of Sir Arthur Buller's Committee, now my hon. Colleague, with Sir Baldwin Walker's name at the bottom of it. Now, let hon. Members observe that the man who sent in his resignation some years ago, because he alleged that Mr. Augustus Stafford had interfered with his duties, thought it becoming in 1859, when the Whigs were so anxious to keep me out of Parliament, to violate the pledge he then gave by issuing an address to the electors of Devonport conveying the most offensive charges against me. Sir Baldwin Walker's placard is headed "Refutation of Slander." The attention of the electors of Devonport is herein seriously called to the statement of Sir Baldwin Walker, Controller of the Navy, &c., &c. Now, the charges which I had made against Sir Baldwin Walker were these:—That during the time the right hon. Baronet the Member for Droitwich (Sir John Pakington) was First Lord of the Admiralty he had kept back from him all knowledge of the vacancies that occurred in the borough of Devonport, so that no promotions could take place during that time. I stated how the case stood when the Government of Lord Derby had resigned, and how the appointments were made when the Duke of Somerset came into office as First Lord of the Admiralty. Now, the truth of that statement was confirmed by the evidence of Sir Baldwin Walker himself, before the Royal Commission of Inquiry into the control and management of the Dockyards appointed in 1860. In a letter from Sir Baldwin Walker to Mr. Watson, he says—

> "Dear Sir,—I have to thank you for your kind communication, and to express a hope that the enclosed statement will be sufficient to prove that Mr. Ferrand's charges, as regards me, are false."

Now Sir, before Sir Baldwin Walker attempted to make out my statements false, he should take care that his own statements are true. A statement was made by him to the electors of the borough of Devonport to which I am ready to take exception. I have proved that the late Board of Admiralty had never heard of any of the vacancies that took place in Devonport during their tenure of office, consequently they could not have issued any express order with regard to them. I avail myself of the present opportunity of apologising to the Chancellor of the Exchequer for what I said in respect to the contents of the placard, as it was only from memory I then spoke of it. It appears I was wrong in saying that Sir Baldwin Walker had stated that the vacancies were not filled up on account of the right hon. Gentleman having made some mistake in his financial calculations. Sir Baldwin Walker denied that there were any vacancies kept back from the knowledge of the Board of Admiralty; that from the pressure of business, and the fact of an insufficient money Vote, certain vacancies were delayed, and he asserted that the appointments were duly made to temporary offices, and that the parties nominated were paid from the dates of the vacancies occurring. The Controller of the Navy went on to say, "From this statement it will be apparent that political motives had nothing whatever to do in the matter, that the statement of Mr. Ferrand had no foundation in fact, and that the charges which he had made against me are false." Now we will see whether Sir Baldwin Walker speaks the truth on this occasion. He first says that the vacancies had not been filled up on account of the deficient Vote of this House, and that if they had been filled up there would have been no money to pay the officers. He then goes on to say that there had been no needless severity exercised, that neither the service nor individuals suffered, as temporary appointments were made in the first instance, which, with few exceptions—Conservatives were the exceptions—and those for sufficient reasons—their Conservatism of course—were subsequently confirmed, and in all such cases these temporary officers were paid the same as if they had been confirmed at the several dates of their acting appointments. Again, he said, "the excess was met by the express orders of the late Board (Sir John Pakington's), by the vacancies not being filled up instead of by discharging the men." The House would observe that the passages which I have just quoted are contradictory of each other. In the first it is stated that the vacancies were not filled up because there was no money; but in the second it is alleged that the persons who were appointed temporarily were paid. How were they paid if there was no money to pay them? How could these temporary officers have been paid from the occurrence of the vacancies if there had been no money voted for the purpose? And then, thirdly, they were told that these vacancies had not been filled up at all. There is evidently a contradiction here in the statements made by Sir Baldwin Walker in the placards which he had caused to be posted in Devonport with the view of depriving me of the honour of representing that borough. It is notorious that I was deprived of my seat in this House by the intervention of Sir Baldwin Walker—that I was deprived of the honour which I now enjoy by the scandalous and disgraceful conduct of Sir Baldwin Walker. In his evidence before the Royal Commission he stated, that in consequence of a pressure of business, there had occurred a little delay in the forwarding of the names of the officers to the Board of Admiralty. But that delay extended over ten months. As I said before, the right hon. Baronet the Member for Droitwich never heard of those vacancies in the borough of Devonport during the whole tenure of his office as First Lord of the Admiralty. I have now done with Sir Baldwin Walker. He kept me out of this House for a considerable time; but our positions are now changed. Sir Baldwin Walker has had to cross the seas, and I now stand here as representative of the borough of Devonport. I now turn to Admiral Robinson. The other night I brought a distinct charge against Admiral Robinson, now Controller of the Navy. This gentleman was in 1859 the captain of the steam reserve at Devonport. As my gallant Friend (Sir John Hay) will read a letter to the House denying the charges I made on a former occasion against Admiral Robinson, I beg to repeat them, and to assure the House that I stand to them as correct, and that I make them upon my word of honour, and as a Member of this House. On the day of the nomination for the borough of Devonport, which took place in the Town Hall, a large building capable of containing upwards of 3,000 persons, I and my friends found on arriving there that my hon. Colleague opposite (Sir Arthur Buller) and his friends had arrived before us, and we had great difficulty in fighting our way into the hall, for there were as many outside eager to get in as had already assembled within the building. I forced my way as well as I could to the front of the platform, and I then observed that a barricade went down the centre of the hall to divide the two hostile parties. My party consisted of about two-thirds of those present; and scarcely had I and my immediate friends taken our places before I saw an officer in uniform stride over the benches and stand against the wall on the Whig side. He was dressed in the uniform of his rank, he had a quantity of gold lace on his clothes, and gold buttons, and he stood up while those around him were seated. There was the usual amount of confusion and cheering which attends a contested election, and when some one in the crowd called for "Three cheers for Sir Arthur Buller," I saw this gallant officer wave his handkerchief, and join in the call. He gave the cheers, waved his handkerchief, and caused great excitement; and, in fact, he acted as fugleman to his party on several occasions during the proceedings. At last he aroused a strong feeling of hostility against him, and his conduct was met with cries of "Shame, shame;" "Be off, you have no business here;" "You are transgressing the rules of the service," and so on; and I distinctly heard it said by several who were present, "That he had come there in the hope of getting a good place from the Duke of Somerset." There was so much excitement in the hall, caused by this gentleman's conduct, that I expected a row, and I appealed to the Mayor of Devonport, calling his attention to it, and requesting that he would desire the gentleman, who had violated the rules of the Admiralty by his being present, to leave the hall. The Mayor looked up and the Mayor looked down, but nothing more, and the gentleman remained till the end of the proceedings. It has been hinted to me that the Mayor of Devonport has written a letter to the noble Lord the Secretary to the Admiralty, in which he says *non mi ricordo.* Now, as the Mayor is an extreme Whig, an earnest party man in the borough, and a strong influential supporter of my hon. Colleague, having made himself most active in his election, his denial of my statement must be received with that hesitation which a party man's declaration always will be when he says, "I don't remember." I do remember what occurred, and I have stated on my word and honour what I saw and what I will stand by. I understand my hon. and gallant Friend (Sir John Hay) is going to read a letter he has received from Admiral Robinson; but, before he does so, I must call my hon. and gallant Friend's attention to the fact that Admiral Robinson has made two statements with respect to this charge. When I was addressing the House on a former occasion, Admiral Robinson was sitting under the gallery, and my hon. and gallant Friend the Member for Wakefield went to him, and he afterwards informed me that Admiral Robinson said there was not one word of truth in what I had said of his conduct at Devonport, and that all he did there was to call for a lady on his way home—[Sir JOHN HAY: No, no!]—that he called at the Town Hall for some person or other to take home as he returned from his official duties. Now, he has written a letter, which my hon. and gallant Friend has shown to me and other hon. Members, which he is to read to the House, in which Admiral Robinson says he was there in uniform, and that he had a right to be there, notwithstanding Sir Francis Baring's circular prohibiting all officers from interfering at elections. A right to be there! why, he was not even a voter! [Sir ARTHUR BULLER: Yes, he was.] If he was he had no right to interfere. He, however, did so, and towards the conclusion of his letter he says he was leaving the Town Hall when a gentleman came up to him and said he would report his conduct to the Board of Admiralty, for what he had done that day, and his reply was, "You are quite welcome; send me the letter, and I will forward it myself." Can you imagine anything more improper than that Admiral Robinson, having violated the rules of the service, should have made such a reply to a person who complained to him of his conduct? But it shows to me, and I think it must appear clear to the House, that he knew no fault would be found with him by the Admiralty; and to show that no fault was found with him, in the following year—1860—he was, I stated the other night, appointed "our trusty and well-beloved Commissioner" to go down to the borough of Devonport and inquire into the control and management of the dockyard, and in the following year he was appointed Controller of the Navy. As to the hon. and gallant Member for Wakefield, and the noble Lord the Secretary of the Admiralty, who will probably read a letter each to the House, perhaps the House will be so indulgent as to allow me to read a statement which I have received from Devonport confirmatory of my statement. It was from the gentleman who proposed me on the second occasion, and who is a gentleman of great influence and standing in the borough. The letter says—

> "Admiral Robinson may say what he pleases about his not being at the hustings and taking part in the election proceedings you mention. You might get fifty people at least to swear to the fact, if necessary. His appearance there in the uniform of his rank excited my own attention, and I condemned the proceedings as improper to our friends, both at the hustings and after. You will understand that Admiral Robinson was not a voter at the election you mention."

I have another letter from a leading supporter of his at Devonport, who says—

> "The fact is that Admiral Robinson wore the uniform of a captain in the navy, which rank he then held, and it is a quibble to say he was not in full uniform. Admiral Robinson cheered, waved his pocket-handkerchief, and was as excited as the most extreme and violent partisan in the room. Why, he was the observed among observers. I heard men near me cry 'Shame.' On hearing that cry I inquired who the captain in uniform was. I have heard admirals and captains in Her Majesty's navy speak in the strongest terms of his conduct on that day. You may make what use you like of this; and if my statement is not enough to justify yours, why there are hundreds of Whigs who will back you out."

[*A laugh.*] And I have this morning received a statement from several most respectable persons at Devonport to the following effect:—

> "Devonport, March 2, 1864.
>
> "We, the undersigned, beg to state, that at the nomination of Sir Arthur Buller in August, 1859, Captain Robinson, who was then Captain of the Steam Reserve at this port, was in the Town Hall, in the uniform of his rank, taking a very prominent part in the proceedings by standing up in a most conspicuous place, cheering and waving his white pocket-handkerchief. The Town Hall was crammed, consequently Captain Robinson must have been there before the proceedings commenced and remained until the close, as it was utterly impossible for him to have got to the place where he stood (upon the high benches), unless he had

been admitted to the hall before the public were let in. We saw him when we entered the hall, and his being there in uniform was generally remarked upon and considered as highly indecorous and improper. Five hundred persons will corroborate this statement.

"FRED. ROW, M.D.	GEORGE H. E. RUNDLE.
"JOHN C. THIERENS.	WILLIAM OLIVER.
"JOSIAH G. UNCROP.	W. P. SWAIN.
"THOMAS H. HAWKER.	JOHN GREENWOOD."

My hon. and gallant Friend the Member for Wakefield says Admiral Robinson was not there in full uniform. What I meant was, that he wore an officer's dress with buttons and lace upon it. I do not mean to say he had a cocked hat and a sword on, because it was not likely he would have worn them. After the letters I have read I hope the House will say that I have not made my statement on light grounds, and that I have only done my duty in bringing it forward. I wish with all my heart poor Augustus Stafford had been spared to be sitting on these benches. Yes, he was a persecuted, and, politically speaking, a murdered man, and his bitterest enemies were the Duke of Somerset and Sir Baldwin Walker—men who I have proved have violated that law ten times more than he did. It is true that the man who preferred the charges against him (Sir Benjamin Hall) went up to the House of Lords, and poor Augustus Stafford went down into the grave—a broken-hearted man—cruelly persecuted to death by two Whigs, who I have proved have violated the law; and Sir, the Duke of Somerset, who is made such a parade of in the Report I have quoted, has rewarded Admiral Robinson for outraging public decency in Devonport, by appointing him Controller of the Navy in the room of Sir Baldwin Walker, who, at the Duke of Somerset's instigation, has fled across the seas to prevent his being examined before a Committee of this House. I now beg to ask the noble Lord the Secretary of the Admiralty the Questions of which I have given notice—Whether Admiral Robinson, the present Controller of the Navy, attended the nomination of candidates at the Devonport election in 1859 in the uniform of his rank as Captain of the Steam Reserve, and took an active part in the proceedings; and whether, in doing so, he acted in defiance of the rules laid down by the Admiralty for the control and management of the naval service?

SIR JOHN HAY said, that as he had been alluded to he thought it right to explain before the noble Lord the Secretary of the Admiralty replied to the questions of the hon. Member for Devonport, the part which he had taken in this matter, and how it was that he had anything to do with it that evening. He might say—since there is sometimes (and very naturally so) a forgetfulness as to details of subjects brought under discussion—he might say, that on a former occasion he went to the hon. Member for Devonport, and asked him whether he meant that Admiral Robinson was present with a cocked hat, sword, and epaulettes, which appeared to him a very absurd thing; and he certainly understood the hon. Member to reply that Admiral Robinson was in full dress, which to a naval man meant a cocked hat, sword, and epaulettes. [" Oh!"]

MR. FERRAND: I beg to say I never alluded to cocked hat, sword, and epaulettes.

SIR JOHN HAY said, that of course the hon. Member was right in his recollection, but the impression made on him was that the hon. Member affirmed that Admiral Robinson was in full dress. Perhaps his hon. Friend did not know the exact difference in naval uniforms. But he mentioned to the hon. Member the cocked hat, sword, and epaulettes, because it struck him as too absurd to suppose a naval officer would stand up like a parish beadle at an election, and he asked the question to make sure whether he had understood him rightly or not. It frequently happened that persons connected with the Admiralty attended the House, and as it was the first night of the Naval Estimates, Admiral Robinson happened to be in the gallery when the hon. Member made the statement which they were now discussing. He (Sir John Hay) went to Admiral Robinson and said, "What on earth is this you have been doing? Can you explain it at all?" Admiral Robinson had not made two statements to him. The expression used was that there was not a word of truth—he did not mean it at all disparagingly to the hon. Member in reference to his being there in full dress. Further than that, Admiral Robinson had written a letter containing a full account of the whole proceeding, and he had shown it to the hon. Member, because there was one quotation which, as it would not be strictly in order, the hon. Member would not object to his omitting it. The letter was as follows:—

"As you have asked me about the Devonport election of 1859, let me state in a few words what

I know about it. The only circumstance which made any impression upon me is this :—As I was leaving the Town Hall after the election, with my wife, who had gone there with a friend to hear the speeches, a stranger came up to me and said he should write to the Admiralty to say that he had seen me in the hall in uniform. I very civilly offered to forward his letter, and to certify to the fact that I had been there, as I had a perfect right to be. I never, of course, heard a word more upon the subject, or ever gave it a thought. I was dressed in a frock coat and cap, a dress I always wore on all occasions, according to rule, when within the limits of the port. You and every naval officer know that it was impossible I could have worn a cocked hat, sword, and epaulettes, except at a court-martial and in full dress. Epaulettes were worn only with an evening coat or in full dress. The story is too absurd, and it is not true. I assert that on whatever occasion I was in the Town Hall I was dressed as I have described; that I had a perfect right to be there—the same right that I had to be present, as a listener, at any public meeting lawfully assembled. I took no part whatever in the proceedings, any more than I do when I am under the gallery of the House of Commons. The Mayor of Devonport, at that time, does not even recollect that I was in the hall at all, much less does he remember being applied to by Mr. Ferrand on account of my interrupting him. The whole subject has so completely passed from my mind that I cannot recall the place where I stood. I know it was in the gallery, and that there was a great crowd, with the usual laughing and shouting accompanying election speeches. It is preposterous to suppose that the Duke of Somerset knew that I had any political opinions whatever. I may add that, as Captain of the Reserve, I had no charge, power, authority, or influence whatever in the dockyards. It is different, as you know, now, but in 1859 it was as I say. I really thought the whole story too absurd to ask any one to contradict it in the House, but these are the facts, and you may make what use of them you please."

That was the note in question. It was a note written to him, unasked for, in consequence of the conversation which he had with Admiral Robinson, as he had before stated. It appeared to him to be almost a private note; but as the hon. Gentleman had requested him to read it, and as Admiral Robinson gave him permission to make what use of it he pleased, he thought it desirable to read it to the House. He should like to say a few words on the case. It must be remarked that Admiral Robinson was at that time Captain Robinson, of the Steam Reserve; that as Captain of the Steam Reserve he had no power in the dockyard; he was merely the captain of a ship lying in Hamoaze. He polled at eight o'clock before he went down to his duty, and he believed he polled for the hon. Baronet the Member for Devonport (Sir Arthur Buller.) He was not sure whether it was on the same occasion; but, on the occasion in question, Admiral Robinson came to the meeting to join a party of friends and to see the fun which was going on, and he did not take any special part in the proceedings. Such was the Admiral's statement to him, and he must say he believed what the Admiral told him. A great deal had been said against Sir Baldwin Walker. He believed Sir Baldwin Walker to be a very able and a very zealous officer. He did not intend to go into the question which had been often mooted as to his conduct, but he was quite sure that Sir Baldwin Walker was one of the most honourable men in the profession, and that he was one of the most capable admirals whom we had afloat. He thought his noble Friend the Secretary to the Admiralty owed Sir Baldwin Walker a word in defence, because he rather thought that any slackness in the Controller's department in reference to filling up vacancies, was owing to a charge made by the noble Lord, about five millions of money, which the clerks in the office were endeavouring to discover. If there was any neglect in filling up the appointments, it was partly owing to the attention paid to the noble Lord, who was then sitting on the Opposition side of the House, and was a very ardent naval reformer. Whatever might be said of the conduct of various Cabinet Ministers in reference to elections at Totness or Tamworth, he thought the Duke of Somerset, in making naval appointments, was not unduly influenced by political motives, and he was happy to bear testimony to the noble Duke's conduct in that respect.

Lord CLARENCE PAGET: I thank the hon. and gallant Member for Wakefield for his noble and kind defence, both of Admiral Robinson and Sir Baldwin Walker. It does him infinite credit, because it shows that he puts aside party feelings, and wishes to do justice when anything like slanderous attacks are made upon honourable men. I need add but a few words. I wish to subscribe to what the hon. and gallant Officer has said in reference to the delay in the promotions. I believe, if any one was to blame, it was myself. In the spring of 1859, Sir Baldwin Walker was very much occupied in making the necessary preparations for the armour-plated ships which were then about to be constructed under the direction of the right hon. Baronet the Member for Droitwich, and was likewise extremely troubled about the accounts. When in that year I made the Motion relative to the cost of the construction of our ships, it was construed in a manner which I never intended. It was construed into a suspicion that the money had been squandered, or, even worse, had been misapplied. But that was not my meaning or my intention, nor did I ever entertain such a suspicion. That suspicion was, however, fostered by more than one hon. Member, and Sir Baldwin Walker naturally felt anxious about the matter, and he put the strength of his department on the work of getting out the accounts, which caused the delay in the promotions. I was only then able to form my opinion of the cost of the construction of our ships from the imperfect information that we possessed at that time, and I explained that what I desired were accounts on the table showing what our ships cost. In the absence of any accounts, I had gone carefully into the matter for the last few years, and made such accounts as I could; but I asked the Admiralty to explain them in detail, asserting that I could not make out how the money was expended. I may have been right or wrong, but I state this now in order to account for the fact of delay in those promotions. After all the assertions, however, as to the delay in those promotions, when we came to sift the thing to the bottom, I find that the delay was very inconsiderable. It is quite true that there were a great many promotions just after the present Government came into office. Those promotions arose in this way:—First, proposals for the dockyards in March contained recommendations for seventy-three acting appointments. The persons proposed were authorized on the 11th of March, by an Admiralty order, to be provisionally employed pending the results of examination to be held. The result of the examination was sent up in May. It was referred to Devonport for explanation, and was returned to the Controller's Office on the 18th of June, and submitted to the Board on the 2nd of July. Therefore, out of all these promotions, the only delay was from the 18th of June to the 2nd of July; and, as every one knows that in the dockyards very careful investigation is necessary to insure a proper choice of persons for promotion, I do not think that delay was of any great consequence. I endeavoured to ascertain whether there could be any foundation for the statement that promotions had been kept back, as stated by the hon. Member for Devonport, with a view to their being made by the Duke of Somerset, in lieu of my right hon. Friend (Sir John Pakington). Now here, I think, is a proof that the allegation is utterly without foundation. On inquiry, I found that in the first six months of 1859, while my right hon. Friend was at the head of the Admiralty, 106 promotions were made; in the last six months of that year 151 were promoted. That fact I mention, to show that Sir Baldwin Walker had no political object in keeping back the promotions. I admit the delay, and also that I am partly to blame for it; but it is likewise chargeable in part, I think, to the fact that the right hon. Gentleman (Sir John Pakington) occupied Sir Baldwin Walker very much in the preparation of plans for armour-plated ships. I will not go back to the unfounded and slanderous attacks on that gallant Officer, which have been alluded to by the hon. Gentleman opposite. I would rather take Sir Baldwin Walker's word than that Gentleman's oath. [*Loud cries of* "Oh! oh!"] Lord Clarence Paget having resumed his seat—

Sir WILLIAM FRASER: I beg to move that the words just used be taken down.

Lord CLARENCE PAGET: If I have said anything unparliamentary ["Oh! oh!"], I have only done so in defence—[*Cries of* "Move" *and* "take down the words."]

Sir JOHN PAKINGTON: I rise to order. I hope the necessity for taking down the words will be averted by the noble Lord recalling the hasty expression which, I am sure, he could only have used in the heat of debate.

Lord CLARENCE PAGET: Well, Sir, in deference to the opinion of the right hon. Gentleman and to the House I shall be glad to retract that expression. But, at the same time, I wish in the strongest possible Parliamentary language that I can use to express my abhorrence of the attack made upon one of our bravest officers, who is serving the country now at the other end of the world, and who has served it for a long course of years with honour and dignity. I am positive that the assertion as to his having politically murdered a lamented friend of mine is utterly without foundation. Sir, with regard to Admiral Robinson having attended the election at Devonport, my hon. and gallant Friend (Sir John Hay) has stated the circumstances of the case. I can only say, that from all I can learn—and I have the evidence of several impartial people—

that Admiral Robinson only appeared in uniform at what is called the declaration of the poll, when the election is virtually over. The question is—was he there in contravention of any orders of the Admiralty? Sir, I know of no order forbidding an officer in the navy to go and see the fun that is going on, provided he does not take part in the election. It was well known that the election in which the hon. Member was to take part would produce great excitement, that strong assertions would be made; great curiosity was felt, especially on the part of the ladies, and a strong desire to be present. My gallant friend, Admiral Robinson, went as a spectator, and not in any other capacity. I believe his word; and I do not think he took any part in the election beyond recording his vote. I, therefore, attach no weight to statements affecting so distinguished and gallant an officer of the navy who is not here to defend himself. In answer to the Question put to me by the hon. Member, I have to say that Admiral Robinson, the present Controller of the Navy, when captain of the Steam Reserve at Devonport, did appear at the election in the uniform of his rank, but did not take an active part in the proceedings.

Sir JOHN PAKINGTON: Sir, I have been so much referred to, both by my hon. Friend behind me and by the noble Lord opposite, that perhaps I ought to say a few words on this question. With regard to the statement that a great number of appointments in Devonport dockyard were kept back in 1859, as my hon. Friend says, for political reasons—at this distance of time, and not being aware that my hon. Friend meant to appeal to me, I cannot pretend to speak with accuracy as to what occurred. As far as I can trust my memory, I believe that when I left office in 1859, a very considerable number of appointments had been kept back by the Controller of the Navy — Sir Baldwin Walker. But the House will recollect that those appointments passed through the hands of my right hon. Friend the Member for Tyrone (Mr. Corry) as Secretary to the Admiralty, and that as First Lord I had nothing to do with them. What the motives of Sir Baldwin Walker may have been, of course, I do not know, and cannot presume to say. I have not sufficient information to justify me in giving an opinion. But I am bound to say this—that I believe it was constantly the habit of my right hon. Friend the Member for Tyrone—who is, unfortunately, prevented from attending to-night by domestic circumstances—to make these appointments on the recommendation of Sir Baldwin Walker, and to take his recommendation as conclusive, reserving only to himself the right of investigation in any case where he might see reasons for prosecuting inquiries. It is only due to Sir Baldwin Walker to say, that if this was the constant habit of my right hon. Friend, it is difficult to see what political motives could have influenced that gallant officer to keep back the appointments. In the position which I held, I naturally had very constant communications with Sir Baldwin Walker, and whatever his conduct on former occasions may have been, or whatever his motives in this particular instance—of which, of course, I can know nothing—I feel bound to say that not once merely, but more than once, he gave me the most distinct assurances, as a gentleman and as a man of honour, that he was not in any way influenced in what he did by political motives. The other portion of my hon. Friend's question refers to the conduct of Admiral Robinson. I think the question raised by my hon. and gallant Friend the Member for Wakefield is, if he will allow me to say so, one of very minor importance. The question is, not whether Admiral Robinson had on a cocked hat or one of a different kind—the real question is, whether he appeared publicly on the scene of a contested election at Devonport in his uniform as captain of the Steam Reserve? My noble and gallant Friend opposite says it is true Admiral Robinson went there, but that he went merely as a spectator. I am well aware of the high professional reputation of Admiral Robinson; he is a very distinguished and able man; but I must say, and I think the feeling of the House will endorse the assertion, that Admiral Robinson would have acted with much sounder discretion had he abstained from presenting himself in uniform on that occasion. The complaint as to party and political influences in our dockyards is an old and very distressing one. Reference has been made to the order issued by the right hon. Baronet the Member for Portsmouth (Sir Francis Baring). I have always thought that order did great credit to the right hon. Gentleman. It is quite clear he found the evil existing, or he would never have issued it. We have had reason to believe to-night that the right hon. Gentleman the Member for Halifax (Sir Charles Wood) found similar grounds of complaint. During the short time that I was First Lord of the Admiralty, I received constant complaints of the extent to which party influence and party injustice, and, I must say, party oppression was carried in the dockyards. So urgent were those representations that they induced me to issue a circular, drawn up in the strongest terms I could use, to forbid interference by any officers concerned for the Government in these yards. The matter is a difficult one to restrain; but it is the duty of every Minister, and of every individual having authority in these dockyards, to repress the influences which have so long been the subject of complaint. I therefore think the precedent was peculiarly unfortunate which was established by an officer so distinguished as Admiral Robinson, when, led away for the moment, as I am willing to believe, by political feeling, and with no intention of committing any impropriety, he presented himself at a place and on an occasion where much greater discretion would have been shown had he felt that his uniform ought not to be seen.

Sir ARTHUR BULLER said, he was present and played a considerable part in the proceedings in question, and knew the exact circumstances under which Admiral Robinson appeared on the occasion in question. The hon. Member for Devonport charged Admiral Robinson with having been present at the nomination and interfering, he then being in high authority in the dockyard. Now I beg the hon. Member will recollect, that at that time Captain Robinson held no position higher than that of simple captain of a ship, and had no authority whatever in the dockyard.

Sir JOHN PAKINGTON: The hon. Gentleman, I am sure, does not wish to state anything in the least degree incorrect. But an officer at the head of the Steam Reserve of a port cannot, I think, be spoken of accurately as "merely captain of a ship."

Sir ARTHUR BULLER: The commander of the Steam Reserve at the time had no power in the dockyard, although new functions had since been added to the office. At all events, he had no electioneering power. He had no authority, direct or indirect, over any class of voters in the dockyard. Admiral Robinson, no doubt, went to the election; and I apprehend that as an elector he had a perfect right to do so, provided he had leave of absence from his ship. That leave he had taken the precaution to obtain from his superior officer, and so was present at the nomination. He went simply to hear the fun of which there was reason to expect an ample store. He was not disappointed in that expectation; but it was a little unfair of the very person who provoked the merriment to complain of its expression. There were many hon. Gentlemen present, he believed, who had had occasion to smile at the exhibitions of the hon. Gentleman (Mr. Ferrand) in that House, but I can assure them that these are miserable and tame proceedings in comparison with his poluphloisboious performances on the hustings. Admiral Robinson is free to admit that he did laugh on that occasion; that he laughed heartily; but he kept within the legitimate bounds of honest laughter; and he declared upon his honour that he did nothing whatever to disturb, as it was called, the proceedings. He (Sir Arthur Buller) declared, upon his honour, that he was present at the time, that he did not see Admiral Robinson do anything of the kind, and he declared further, that if he had done any such thing he must inevitably have seen it. The hon. Gentleman complained of the mayor as being a Whig, and, like all other Whigs, refusing to do his duty. The mayor had a distinct recollection that no reference whatever was made to him as to the conduct of Admiral Robinson, and that it was impossible for the Admiral to have interfered in the proceedings without his knowledge. Admiral Robinson certainly did not interrupt the proceedings, and it was in the highest degree improbable that he should have done so, because at the close of the proceedings on the very day in question, his hon. Colleague (Mr. Ferrand) proposed, and he (Sir Arthur Buller) seconded, a vote of thanks to the mayor for his impartial conduct. Two days afterwards, at the declaration of the poll, he (Sir Arthur Buller) proposed, and his hon. Colleague seconded a similar vote. At the nomination of Sir Michael Seymour a week before, his hon. Colleague, in proposing a vote of thanks to the same mayor, declared that, although he was opposed to him (Mr. Ferrand) in politics, he had behaved in a most honourable and gentlemanly manner, and that his character and conduct gave them reason to be proud of having such a person to preside over them. He (Sir Arthur Buller) was confirmed in his statement by several of the most respectable persons in Devonport, including the mayor and town clerk, that Admiral Robinson did not take part in the proceedings in any offensive way, or in the way described by the hon. Gentleman. The statement of his hon. Colleague was also flatly contradicted by Admiral Robinson himself.

LORD JOHN MANNERS: The hon. Baronet who has just sat down has contented himself by proving a negative. He says, he never saw Captain Robinson act in the way described. [Sir ARTHUR BULLER: I said, I must have seen him if he had done so.] The hon. Gentleman forgets that, in contested elections, many things could have happened without the hon. Baronet seeing them; and I think the House will not be satisfied because Captain Robinson, after the lapse of four or five years, says he does not remember acting in the way the hon. Gentleman states he saw him act. I think that the documents read by the hon. Member for Devonport, especially the one signed by eight or nine gentlemen of Devonport, were clear and distinct upon the subject; and, supported by the clear and distinct statement of my hon. Friend himself, there can be no reasonable doubt in any man's mind, that Captain Robinson was led away by the fervour of his political feelings, and carried into a manifestation of those feelings in the way adverted to by my hon. Friend. But the practical point is this:—We are likely before very long to have a general Election, and we have been favoured by the noble Lord opposite with his view of the duties of Government officials in dockyard boroughs at elections. The Secretary of the Admiralty does not think it is contrary to the instructions of the Admiralty that an officer holding any public appointment should attend an election in uniform if he do not take any part in it. He says, that Captain Robinson attended this election, but took no active part in it, and that he did not therefore violate the instructions of the Admiralty. But I understood the noble Lord to admit that, if Captain Robinson had taken an active part in an election, he would, to that extent, have failed in his duty to the Admiralty. I want to know how far a naval officer, who manifests his anxiety that one candidate should be elected and the other defeated—I ask how far, under such circumstances, he may take part in a contested election? I hold that to be a practical question; and I am afraid that if a general election were to take place after this discussion, we should find in the dockyards of this country more naval gentlemen holding situations under Her Majesty's Government who would think themselves perfectly justified in taking what ordinary mortals would consider an active part, though, not in the estimation of the noble Lord, an offensive part, in the contests. I therefore think the question is one of practical importance. With respect to the language in which the noble Lord has indulged, I must say for myself that I think my hon. Friend has done well in bringing the subject before the House. I know perfectly well what would have been said if Admiral Robinson had appeared on the other side of the hustings; and, distasteful as it is to me personally to enter into these topics, I am grateful to any one who stands up in this House and shows that the party who sit on this side do not intend to allow gentlemen on the other side of the House a monopoly of electioneering purity, and enjoy entire and permanent immunity for such conduct as has been brought under our notice to-night. I admire the pluck and courage which my hon. Friend (Mr. Ferrand) has displayed, and I hope he will not be deterred from showing up proceedings of this kind whenever they may occur.

MR. BERNAL OSBORNE: Sir, Parliament is so singularly dull, so singularly devoid of any object of public interest, that I am not surprised that the hon. Gentleman on the other side should have thought to enliven our debates by introducing an electioneering brawl in the borough of Devonport—for this is nothing more nor less than a brawl brought before the consideration of Parliament. I have nothing whatever to say to the question on the paper with regard to the conduct of Admiral Robinson, except that I believe him to be a most distinguished officer, and in every way deserving the credence of the House. But when the noble Lord on the other side (Lord John Manners) rises in his place, and congratulates the hon. Member for Devonport and the House for the pluck and courage—for these were his words—which have been displayed by his hon. Friend the Member for Devonport, I must say that I cannot congratulate the House on the "pluck" that abuses and maligns absent men, or the "courage" that never withdraws an imputation or makes an apology when he is proved to be wrong. Such is not my notion either of pluck or courage; and I would remind the House, and the noble Lord who has this idea of the British pluck and courage of his hon. Friend, that this is not the only occasion on which he has maligned and misrepresented men as honest and as honourable as himself. Sir, with regard to Sir Baldwin Walker, whose acquaintance I am proud of possessing, when I heard the hon. Gentleman impugning the conduct of this honest officer and honourable gentleman, although regretting the fire displayed by my noble Friend the Secretary to the Admiralty, I could not be surprised at it. If ever there was a man who deserved well of his country for the real pluck and courage, and the ability he has shown as a public servant, it is Admiral Walker. And when the hon. Gentleman (Mr. Ferrand) has the face to say that he ran away from his charges, I venture to doubt whether, with all his pluck and courage, the hon. Gentleman would have dared to make that charge before Sir Baldwin Walker's face. When, too, I heard that miserable and lukewarm apology from the right hon. Gentleman late the First Lord of the Admiralty (Sir John Pakington), I felt utterly ashamed that he should have got up and, in that "lean and slippered pantaloon" way, have made an apology for Sir Baldwin Walker which the gallant officer would have been the first to reprehend. The right hon. Gentleman ought to have known that it was impossible for any man connected with the Admiralty, at any time or place, to know what Admiral Walker's politics were. He was a good public servant, but, as I know, he never interfered in any way with politics or the unjust disposition of patronage. Sir, if our public servants are to be treated in this way, and if all the brawls incidental to an election are to be thus brought forward—why, I might as well go into the old story of the right hon. Gentleman's conduct to me at Dover. I have forgiven him that conduct, and why should not the hon. Gentleman the Member for Devonport be equally forgiving, instead of making his seat in this House a tool for aspersing the character of public men? I did not intend to say a single word in this discussion, had it not been for the attack made by the hon. Member for Devonport; but I should feel myself unworthy of a seat in this House if I were to remain silent when I see the character of an officer of the highest standing impugned, and I might say his personal honour insulted, as it has been by the hon. Gentleman.

ARMY—INSTRUCTION OF SOLDIERS IN TRADES.—RESOLUTION.

Sir HARRY VERNEY, in rising, pursuant to notice, to move—

> "That it is expedient that the recommendations contained in the Report of the Committee on the proper means for the Instruction and Employment of Soldiers and their Children in Trades, and of the Under Secretary of State in a letter to the Quartermaster General, Horse Guards, dated 23rd May, 1862, be carried into effect,"

said, that the matter was one of great importance to the efficiency of the army. In 1861 the late Sir George Lewis appointed a Committee for the purpose of investigating the subject, and the Committee addressed questions to officers of all ranks, with the view of obtaining a perfectly impartial statement of opinion. It should be observed that the Instructions which were drawn up by Sir George Lewis were of the most liberal and impartial kind, and that his desire was not so much to have his own preconceived opinions confirmed as to have such a result produced as would contribute to the general efficiency of the army. Replies were sent by a great number of officers, and many of those replies were of great length and went very much into detail. There was but one distinguished officer who replied in the negative to the inquiries addressed to him, and that was Sir George Brown. With that exception, all the replies were favourable to the increased employment of soldiers in trades. Sir George Wetherall, Sir John Burgoyne, General Hutchinson, Sir Percy Douglas, and Colonel Simmons, of Aldershot, were all favourable to the project. The only objection of any weight to the employment of soldiers in trades was that soldiers who could earn money by trades would be likely to quit the army the sooner; but Sir Percy Douglas grappled with that objection, and contended that, though the loss of good soldiers was a thing to be regretted, yet the benefit of attracting good men into the army, by holding out to them a prospect of being able to provide for themselves whenever they might leave, was so great as to outweigh any disadvantage on the other side. It was well known what the French soldiers could do in the various trades. When he was last in a French camp an officer took him round, and, showing him an eagle, said, "Everything in the camp, except that eagle, was made by the soldiers." He would direct the attention of the Chancellor of the Exchequer, and the noble Lord (the Marquess of Hartington), to this point; what a great saving of expense might be effected in employing soldiers to make their uniforms and to execute the various repairs in barracks. He should like to see the noble Lord signalize the commencement of his career, which he trusted would be one honourable to himself and beneficial to the country, by a reform of that kind. It had been remarked over and over again, that the morality of the soldier would be greatly increased by giving him increased employment, and there was nothing the House had more at heart than the moral improvement of the soldier. They had reason to suppose that some measures calculated to improve the moral condition of both services would be introduced by the War Office and the Admiralty, and nothing would contribute more to the morality of the soldier than to provide him with employment. To prove what might be done by soldiers, Sir John Burgoyne had instanced the great works of defence at Antwerp, which had been executed by soldiers. The Report of the Committee concluded with the opinion of Sir Hugh Rose, who had introduced the system largely into India, and with the utmost success. Sir Hugh said he found the men very desirous of being employed in their trades, and, though those who were so employed were able to earn considerably more than others not so employed, not one case of drunkenness among them had ever been brought to his notice. The workmanship, too, was superior to that of native mechanics, and several articles of furniture which could not be produced by the Natives were turned out by men of the regiment. In the early part of the evening the hon. Member for Inverness (Mr. H. Baillie) had referred to the condition of the soldiers in India, and he should like to read an extract upon that subject. The commanding officer of the 91st Highlanders in India, by taking measures for the amusement, employment, and occupation of his men, reduced the number of district court-martials among between 900 and 1,000 men from 50 to 13, and the regimental court-martials from 105 to 48, and never had a case of flogging during six years. What he desired was, that the House of Commons should express their opinion that more employment should be introduced among the soldiers, because, if they did that, the Horse Guards would, no doubt, be induced to push the matter further than they had hitherto done. The hon. Member was then about to make his Motion, when—

MR. SPEAKER said, the hon. Member would not be in order in moving.

Main Question put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

THE MARQUESS OF HARTINGTON said, that before he asked the Committee to agree to the Resolution with which he should conclude by moving, it was fair that he should state, that he should that evening have to lay upon the table a supplementary Estimate for the year 1863-4, which in a few days he should ask the House to vote. The gross amount of that Estimate would be about £400,000; but he must explain to the Committee that a very large part of that sum, £119,000, was merely a matter of account with the Indian Government. Payments to that amount had to be made to the Indian Government; but, on the other hand, re-payments would during the year be received from them to the amount of £300,000, which would be paid into the Exchequer. The remainder of the supplementary Estimate would consist chiefly of unforeseen expenses, chiefly connected with the war which was now going on in New Zealand. Of course, there was no intention to ask the Committee to vote that Estimate to-night; but, as he had not been able to lay it on the table, he thought that it was fair, before asking the House to vote money for the ensuing year, to inform them of the Votes they were to be asked to agree to for the year now expiring.

The Estimate which he had now to introduce to the Committee amounted to £14,844,888. Comparing it with the Estimate for the current year 1863-4, which amounted to £15,060,237, there was a reduction of £215,349. If they still further compared the Estimate for the present year with the Estimate for 1862-3, which amounted to £15,672,730, the reduction in this year's Estimate would amount to £827,842. He would also, with the permission of the Committee, make one more comparison between the Estimate of this and former years. He would compare this year's Estimate with that for 1861-2, which was the year, during time of peace, in which our army expenditure reached its highest level. The Estimate for that year amounted to £15,883,000; therefore there was this year a reduction, compared with 1861-2, of £1,038,112. The comparison was still more favourable in an economical point of view if he deducted, as he was entitled to do, from the gross sum he was about to ask the Committee to vote for the present year, the sums which it was calculated would be repaid into the Exchequer, and which might be taken in aid of the Estimate of the year. Making those allowances, the amount of the Estimate which he was about to move would be £13,520,446. The actual expenditure (not the Estimate, but the expenditure) for 1861-2 amounted to £15,883,160; so that upon the present Estimate there was a reduction of no less than £2,362,714. From what had been said that evening by the hon. Member for Inverness and other hon. Members, it appeared that Government were likely this year, contrary to the usual course in Committee of Supply, to be found fault with for going too far in the direction of reduction. He fully admitted that the Estimates which he was going to move were peace Estimates. The Government had not based their Estimates upon the supposition that the country was likely soon to be involved in war. If hon. Gentlemen opposite entertained a contrary expectation, it seemed to him that they ought to say so at once. They ought to condemn the policy of the Government, which had been announced as a peace policy, and not the Estimates, which, being those of a Government which had announced a peace policy, were essentially peace Estimates. Although we had arrived at a reduction of something like £2,300,000 since the year of highest military expenditure, the Committee would not require to be reminded that there had been a large increase in our military expenditure comparing it with its rate previous to the Crimean war. The excess of our Estimates this year over those of 1853-4, the year before the Crimean war, was about £4,500,000. The Committee ought to consider what were the causes which had produced this large increase of expenditure. During the Crimean war it was found that the organization of our army was in many respects extremely defective. In fact, it would hardly be going too far to say that many branches of our military organization entirely broke down. The House and the country immediately determined that those defects should be remedied, no matter at what cost. Very great alterations and improvements had since been effected, and those alterations and improvements had, necessarily, led to a largely increased expenditure. But he did not believe that the House and the country ever contemplated that the Estimates were permanently and in future years to range at so high an amount as they did immediately following the Crimean war. It was thought that it was time the country should reap some of the benefits of the large expenditure which had been incurring for so many years, and that the high level which that expenditure had reached should be gradually reduced. He, therefore, thought that he might claim the support of the Committee if the Government had attempted, in the Estimates he was about to submit to them, not to break through the course of gradual reduction, which it had been the object of the Government to accomplish in each successive year, and if they had, therefore, been obliged to exercise a somewhat strict economy and saving this year. He thought that, though a comparison had been made in several ways and on different occasions, it might not be uninteresting to the Committee to hear an explanation of the excess of the present Votes over the Estimates of 1853-4. As he had stated, the sum which had to be accounted for was £4,684,000. There was first to be deducted from that sum the repayment from the Indian Government, amounting to £970,000, in the shape of a capitation grant for services formerly performed by the Indian Government. This deduction reduced the sum to be accounted for to £3,714,000. Since 1853-4 the number of the Militia force and the expenditure on it had nearly doubled, and the Volunteer force was completely new. Those items together caused an increase in the expenditure of £650,000. That reduced the sum to be accounted for to £3,064,000. In accounting for that sum he would first take £1,000,000, the additional expenditure of this year over that of ten years ago under the head of warlike stores, occasioned by the improved arms introduced into every branch of the service. Since that time the Enfield rifle had been placed in the hands of the whole army, instead of comparatively a small portion, and it had, therefore, been found possible, in the present year and in the last two or three years, to reduce the Votes for stores, because the reserves had been raised up to their proper complement. Still, it was evident that the annual expense to keep the army supplied with the Enfield rifle must be very much more than that which was occasioned by the supply of the old musket. The introduction of arms of precision had led to increased expenditure for ammunition and practice. Not only was there an enormous amount of ammunition consumed by the regular army in practice, but the Volunteers and Militia, amounting to a force, added to the regular army, of 400,000 men, used a very large quantity of ammunition, which occasioned an increased expenditure. Moreover, since the time to which he had been referring, the Armstrong gun had been introduced. A great number of batteries were completely armed with them, and a large number of the guns was besides in the hands of the troops. The same necessity for practice as was felt in the case of the Enfield rifle was experienced in respect to the Armstrong gun; and the consequence was that a very much greater quantity of ammunition, and that, too, of an expensive character, was fired away in the course of the year than formerly, in the days of the old field-pieces. In addition to these circumstances, it must be borne in mind that the numerical strength of the army had been very largely increased; and he did not think, considering the expensive nature of the alterations made in the equipment of the army, that the increase of a million for warlike stores was very much to be wondered at. The next item he had to deduct was one peculiar to the present year. He took the sum of £500,000 as about the amount which New Zealand would cost this country more than in 1854. These deductions reduced the sum he had to account for to £1,564,000. The remainder would be accounted for by the strength of the army having been numerically increased. That increase since 1853 had been between 25,000 and 30,000 men. He did not take into account the number falling on Indian depôts. Exclusive of the Indian depôts the increase had been 17,000 men and 4,000 horses, at a charge of £600,000; leaving the sum to be accounted for this year, compared with expenditure of 1853, £964,000. He would not weary the Committee by stating the exact amounts of the items composing this sum of £964,000. The items consisted of good conduct pay, additional expenses for recruiting, and for experimental services. An improved quality in a number of articles of clothing supplied to the troops cost £124,000, and improvements in the Commissariat cost £120,000. Since 1853 the stoppage for rations had been made uniform all over the world at 4½*d.*, while formerly it was not a fixed sum. Perhaps he might mention, that that expenditure represented a great and substantial benefit to the soldiers. There had also been established a Commissariat staff corps, which discharged the functions formerly performed by contractors, and through this means the quality of the meat supplied to the troops was very much improved. Among the items was one of £150,000 for increased rations, for fuel and light. The item for lodging, partly for officers, and the increased lodging allowance to married soldiers amounted to £70,000. The increase in the item of the medical department was £150,000, and in the educational and religious Vote £125,000. There was an increase, he was sorry to say, in the Vote for the military prison discipline of £25,000. The new items for schools of gunnery and musketry practice, and for the movement of troops for the formation of camps of instruction, amounted to £60,000. Such were the various items which accounted for the increase of the Vote in the present year over the Vote in 1853-54; but hon. Members would see that the money had been expended on the improvement of the efficiency of the troops, by giving them better arms and better instruction, or by improving the condition of the soldiers. He believed that it was absolutely necessary that some additional advantages should be offered to the soldiers. The condition of the labourer throughout the whole country was rapidly rising, and unless additional advantages were offered to the soldiers there would have been a difficulty, not perhaps now, but certainly in time of war, in obtaining men for the army. He believed that all changes of this kind were looked on favourably by the country.

He came now to the Vote which he should move that evening, fixing the number of men for the army. The number of men it was proposed to take this year was 145,654, being a decrease of 1,464 on the number taken last year. As he had stated before, the present Estimate was, and professed to be, a peace Estimate. It was not framed with any immediate prospect that the country was about to enter on a war; and the Government in framing it had deemed itself at liberty to inquire in what direction our military force could be reduced, without to any material extent diminishing its efficiency, while at the same time retaining the power of rapidly increasing its numbers if to do so should be found to be necessary. He did not, he might add, think that the speech of the hon. Member for Inverness (Mr. H. Baillie) on the subject, interesting though it was, required from him any very lengthened reply. The first objection which had been taken by the hon. Member to the proposed reduction in the number of troops, was the insufficiency of the force at home to meet the requirements of the service for reliefs in India and the colonies. If, however, the hon. Gentleman would look at the Estimates for this and compare them with those for last year, looking at the explanation by which they were accompanied, he would find that the mode in which the proposed reduction had been arrived at was not by diminishing the number of battalions of infantry, or, in fact, diminishing the infantry at all; on the contrary, the infantry was increased over a thousand men. The hon. Gentleman had correctly stated that the proportion in which it was desirable we should keep up our establishment would be to keep one-third of the number of men at home, so that a regiment might enjoy five years at home in return for ten years foreign service. He had not, however, correctly stated the actual number of battalions of infantry at home and abroad, inasmuch as he put those in India and the colonies down at 107. Now, in making that calculation, the hon. Gentleman would, he thought, find that he had included the West India regiments. [Mr. H. BAILLIE: I stated distinctly that I did not.] Well, he had, at all events, arrived at too great a number of battalions; for the number which was estimated by the War Department taking pay was 41 at home, 45 in the Colonies, and 55 in India. There were, he might add, actually at home at the present moment only 34, but there were four expected in a month or so from the Ionian Islands, while there were three on their way home from India. When these battalions returned there would be at home 41, and in the Colonies and India 45 and 55 respectively. [Mr. H. BAILLIE: I spoke of the number on the 1st of January.] Yes, but during the greater part of the ensuing financial year there would be 41 battalions at home and 100 abroad. It was, however, contended that we ought, under those circumstances, to have 50 battalions at home. But the Committee must bear in mind that four battalions were exceptionally employed in New Zealand, and that the force at present in Canada was much larger than was generally maintained in that part of the Empire. Still, the argument of the hon. Member for Inverness would go to prove, not exactly anything against the reduction which was proposed, but rather that the number of battalions of infantry ought very considerably to be augmented; and he did not know whether after the Vote of that evening, which showed that the Committee was not in an extremely economic frame of mind, they would not be disposed to agree to a large increase in our army. The Government, however, did not think it would be justified in proposing any such increase. And what, he might ask, was the principle on which it proposed a diminution in our military force? The late Lord Herbert, when proposing in 1860 an increase of 20,000 men in the army—an increase which was called for by the fact of a large number of troops being located in India, and by the determination to disembody the Militia—while he added two brigades of artillery, accomplished the whole of the rest of the increase, not by raising additional battalions, or by augmenting the number of units in the force, but by augmenting the strength of each unit. The reason given by Lord Herbert for that mode of proceeding was, that it was one which made the army most easily susceptible of reduction, if reduction should be required, and that if he were to raise fresh battalions he would be compelled, when he sought to bring about such a reduction, to disband a certain number of battalions—a thing which was always expensive and disagreeable to do—while his power of again raising the army in case of necessity to a war establishment would be greatly impaired. We, in this country, had not, it must be admitted, the same facility in increasing the number of our troops as was possessed by foreign nations, which, having a conscription, carried out the principle to which he was adverting to a very great extent—they kept up the *cadres* of their regiments—knowing that they could lay their hands at any moment on those conscripts, by whose absence the number of their troops was reduced. Not relying on conscription, we could not, of course, reduce our army so much in proportion to its war strength as other States were able to do. But he still saw no reason why we should not, as far as lay in our power, imitate in that respect their example. Though we could not compel men to enter our military service, yet it had always been found in time of war that, by sufficiently increasing the bounty, we could get any number of men we might require. He had, therefore, no fear that so long as we maintained the number of units in our army, we should have in the event of war an insufficient number of men; and the Government had, under the circumstances, deemed it right to reduce the number for this year, acting on the principle to which he referred. Last year, or the year before, when the number of infantry was reduced, the reduction, for the reasons which he had stated, was not made by battalions, because any such reduction would interfere with the reliefs for service abroad. That reduction was, however—except as to the regiments in New Zealand and China—carried to the lowest point at which it was deemed the efficiency of each battalion could be maintained, it being thought that any further diminution of the numbers would render it a mere skeleton of a battalion. It was, therefore, deemed desirable that the infantry should not, beyond that point, be reduced. But when hon. Members came to consider the numbers in other branches of the service, they must look to the way in which they had increased; and they would find, taking the garrison artillery—the first branch which it was proposed to reduce — that those numbers had been going on continually increasing, without any break, for the last twenty years. In 1843, for instance, we had at home and in the colonies a total of 4,885 garrison artillerymen; the total in 1853 was 9,303, which number had gradually increased, until last year it amounted to 17,629. That number it was proposed this year to reduce to 14,606, which would still leave an increase of 5,000, as compared with the numbers of that arm of the service ten years ago. The increase had been so steady and continuous, that the number they proposed to take for this year was in excess of the number on the establishment in every year except 1863—in excess, if measured, not by the numbers voted, but by the numbers actually borne. There did not appear to be any sound reason why the garrison artillery should be maintained at so high a standard, while other branches of the service were being reduced. In time of war, a field battery consisted of 234 men; but during peace it was fixed at about 130 or 140 men. A field battery would, therefore, have to recruit its strength very considerably before going into actual service. For some reason or other, of which he was not aware, the batteries of garrison artillery had always been kept during peace on a war footing. They proposed to reduce them only fifteen men per battery, distributing the reduction over ten brigades—or 1,300 men in all. That would still leave the garrison artillery at a much higher proportionate strength than the field batteries, and they would have exactly the same facilities for recruiting up to the war strength should necessity require it. With regard to the cavalry, the increase of late years had not been less rapid than in the garrison artillery. In 1843, our cavalry force at home was 7,949, with one regiment of 386 in the colonies. In 1853, our force at home was 8,690, and that in the colonies 442. In 1863, we had 12,143 cavalry, and the reduction proposed would bring the numbers down to 11,331 next year. This increase had been partly caused by our raising two new regiments; but the main increase had been caused by the addition of a squadron to the establishment of each regiment. That addition of a squadron was called for owing to its being found, during the Crimean war, that the cavalry melted away very fast, and that the three-squadron formation was not suitable for service in the field, and that, to be quite efficient, a regiment must consist of four squadrons. The four squadron organization was therefore adopted, and with that they did not intend to interfere. Finding, however, that we had a force of cavalry very large in comparison to our other arms—and also looking to the fact that there was no question in reference to the reliefs of cavalry, because the cavalry regiments in India were eleven, whilst at home they were seventeen—there was, independent of relief, a force of cavalry at home quite sufficient to furnish the required proportion to any expedition which might be sent out—it seemed to the War Office that as long as the organization of the regiments was retained, the efficiency of the service would not be impaired by a reduction of twelve men per squadron in each regiment; and this reduction they proposed to make. The hon. Member for Inverness having based his reasons against any reduction on the score of reliefs, he (the Marquess of Hartington) must submit that the reduction the Government proposed to make in the cavalry force had nothing to do with the matter. The hon.

Member for Inverness then adverted to what he alleged to be the fact, that the influence of England had decreased during the last few years. Without entering on a discussion of that question, which certainly did not at present arise, he would only say that, if that decrease of our influence existed at all, it certainly had not fallen off in consequence of a decrease in our military strength. The force on the establishment had been increased by very nearly 30,000 men; we had also got the Militia and the Volunteers, which hon. Gentlemen opposite might not, perhaps, reckon as very reliable, but which at least added to our sense of security at home, and would set free a great number of regular troops, who would thus be available for any enterprize. For his own part, however, he believed that the influence of England had increased rather than diminished. At any rate, he thought hon. Gentlemen opposite would do well, instead of indulging in vague declamation, to point out any quarrel in which we ought to have taken part, but from which we had improperly held aloof, and to show that our action had been in any way hindered by an insufficiency of military establishments. It was on these grounds that the reduction in the army was proposed. It was a reduction very small in amount, which would not interfere with the organization of the forces, which would not deprive us in the least of the power of recovering the strength with which we were now dispensing, and which would not impair the efficiency of the service. There was one point which, indeed, had not been brought forward in the House, but to which allusion had frequently been made in the newspapers and in conversation—it was said to be most unwise to disband our trained soldiers. It ought to be known, however, that it was not the intention of the Government to disband a single man. The reduction proposed would be accomplished within two or three months, simply by the cessation of recruiting during that period. The only men who would be dismissed were men whom it was desirable to get rid of. Thus not one able, well-drilled man would be dismissed in order to carry out the measure.

While upon this Resolution, he would explain what had excited some observation—the unusual form in which the Resolution had been presented to the House. Hon. Members were aware that a very considerable change in the form of the Estimates was made last year; and he believed there was a general agreement in the House that the change was for the better, and that it was much easier to understand what money was voted, now that the statement of accounts had been simplified. While the alteration in the arrangement of the Estimates was being effected, the late Secretary of State for War carefully considered whether it would be more expedient to take the number of men, as formerly, in the shape of a Vote, or whether he would adopt the course which he afterwards did adopt, of moving a Resolution as to the number of men, and taking Votes only in respect of money. In choosing the latter course, it never was intended by Sir George Lewis to take away from the House the power of voting the number of men. It was well known that when once the number of men had been agreed upon, a large proportion of the expenses incurred in the Army Estimates would thereafter be passed as a matter of course, and he therefore thought it more simple and more logical to make all the Votes in Committee Votes of money, instead of having a Vote for the men. The Resolution on the present occasion was exactly similar to the one moved last year by Sir George Lewis, and in order to make it strictly regular, notice had been given of it. Now that the officials of the Department all over the Empire had become habituated to the new system, it would, of course, be inconvenient to alter it; but if there was any strong feeling against it in the House, the War Office were not at all wedded to it, and would have no objection to return next year to the original practice. He believed that the hon. and gallant Member for Huntingdon (General Peel), would call attention to the number of native Indian troops which it was proposed to pay this year for service in China. Last year these troops were not introduced into the Resolution, nor were they included in the Resolution now before the Committee. The reason was, that the Mutiny Act was founded upon the number of men voted by the House, and it was not intended that those native troops should be under the provisions of the English Mutiny Act. However, if the hon. and gallant Member wished that they should be absolutely voted by the Committee, he believed that Lord de Grey would have no objection to that course being taken.

The increase which hon. Members would observe in the number of infantry was entirely attributable to the New Zealand war. There were ten battalions of infantry serving in New Zealand, and these ten battalions had been raised to the full complement of 1,000 men each, thus causing an increase over the other battalions of 200 per regiment, or 2,000 altogether.

Having fully explained the amount of the Estimates which he was about to submit, and the number of men he asked for, he would now refer very briefly to some of the minor Votes in the Estimates. There was nothing peculiar or exceptional about the Commissariat Vote; but he might state that the increase which would be noticed in it was to be attributed to the expense of the war in New Zealand. This Vote was explained by the statement which had been circulated with the Estimates—and he would therefore say that the cause of the increase was the high price of provisions, the fact that it was necessary to provide stores at a very great expense in New Zealand, and also to provide a very large increase in the means of transport. The Vote for clothing had been slightly reduced. New arrangements had been made in the establishment, the cost of providing new works and buildings had almost ceased, and the improved superintendence of the clothing department had been attended by a saving. In Vote 4, for Barrack Establishments, there was a decrease, owing to a more economical administration of barrack stores; and here he might remark that the new arrangement of the Estimates had been productive, not only of convenience to hon. Members, but of actual economy in the service. The principle which had been adopted was to make the head of each department of the War Office responsible for the expenditure of the sum voted for it by Parliament. Of course, the chiefs took a greater interest than before in the economical administration of their respective departments, and the result was a reduction in Vote 4, with a well-founded belief that when the improved system was applied to the other Votes the same result would follow. An experiment was about to be tried which it was hoped would be productive of good to the troops in the matter of canteens. Formerly, the canteens were let to tenants who, in addition to a fixed rent, paid so much per head of the troops in garrison. It was the interest of these canteen-keepers to make as much money as possible, and for that purpose to supply the troops with inferior liquors at high prices. In 1855 a change was introduced, at a sacrifice of £25,000 per annum to the revenue. From that year tenants were appointed at yearly rents—he was not sure, indeed, whether they paid any rent at all—but under the superintendence of the officers of the regiment. That, of course, was a great improvement, because the officers could exercise some control over the canteen-keepers, and see that they did not sell bad liquors to the troops. But the new system had not been found altogether satisfactory, and an experiment was now proposed which had been tried with good results in India and in one or two colonial stations. It was intended to take away the canteens from tenants altogether and to place each of them under a committee of officers, the object being to supply the troops with the best articles at very small expense, applying the profits, if any, to the benefit of the soldiers themselves. The only expenses charged against the canteen fund would be those necessary for keeping the place and utensils in a proper state of repair, and the surplus would be spent by the committee of officers in purchasing books and periodicals, and otherwise providing for the comfort of the troops. It was not thought desirable to enter upon such an experiment upon a large scale. Next year it would be tried at six or seven stations in the United Kingdom, and if it answered, as there was every reason to believe it would, it would be gradually introduced everywhere. The Committee would observe that a small Vote was taken for gymnasia. Some time ago a Select Committee was appointed to investigate this subject, and it recommended that gymnasia should gradually be introduced into all the principal stations, so that the troops might go through a regular course of gymnastics as part of their drill. It was believed that the experiment now proposed would not only be an amusement to the men, but would materially improve their health and increase their power of enduring fatigue. Many improvements had lately been made in the matter of cooking for the troops. Improved apparatus had been introduced, and instructors had also been appointed to cook for the men and teach others. The consequence had been a considerable saving in the article of fuel, and with a view of encouraging this economy, a measure had been adopted which had been productive of excellent results—namely, to allow the troops the benefit of half the fuel which they might be able to save from the regulation allowance. It was hoped that this would be productive of still further saving. An additional sum of £150,000 was now being spent on medical administration, and we had a right to expect some benefit from so large an expenditure. He believed the increase had arisen chiefly from the fact, that in the Crimean war the medical administration of the army almost entirely broke down. That administration, indeed, was at that time scarcely sufficient for the wants of the service at home. Besides, the hospital administration was not good, the barracks in which the men were lodged were confined and ill-ventilated, and the general result was, that at the time of the Crimean war the average mortality at home amounted to 17½ per 1,000 annually. There was no means of arriving at an accurate knowledge of what had been the effect of the improved medical and hospital administration and the improved arrangements for lodging the troops, because the army consisted now of a much larger number of young men than it did in 1853, which would of itself very materially diminish the rate of mortality; and moreover, even within the last few years, when there had not been so great a disproportion in the ages of the men, the health of the troops had been found improving yearly. By the last Returns, instead of being 17½ per 1,000, the rate of mortality was only 8 per 1,000. That was a result which showed that the increased expenditure on barracks, hospitals, and medical establishments, had been well laid out. The next Votes which he needed to mention were those for the manufacturing department and for stores. It was desirable in discussing the Estimates that those two Votes should be taken together. The object of both was to supply military and warlike stores for the use of the army. If the Vote for stores was greatly diminished it followed almost as a matter of course that the Vote for the manufacturing department must be increased. It was only a question whether they should obtain their warlike stores by contract, or should manufacture them at their own establishments. Well, on these two Votes the Government had been able to make a very considerable reduction. There was an increase of £16,666 in the Vote for the manufacturing department, and a decrease of £265,850 in the Vote for stores. That decrease arose from the termination of the contract at Elswick, and also from the contract for small arms having almost entirely come to an end. The exertions which the country had been making for a considerable number of years to gain a sufficient supply of small arms had now brought their reserves up to, or very nearly up to, the amount which was deemed necessary. There were about 400,000 Enfield rifles distributed among the regular and auxiliary forces of the country, and it was thought desirable that there should be an equal number in store, and they had nearly that quantity in their various stores. The increase in the Vote for the manufacturing department would have been considerably greater except for the transfer of a sum of about £30,000 from that Vote to the experimental Vote for services under the Ordnance Committee. He had stated that their stores in respect to small arms were everything that they could desire; but when they came to the article of artillery he was not able to give the House so consolatory an assurance. The Report of the Ordnance Select Committee which sat last year, showed very accurately how the Ordnance question stood at that time. As the result of their expenditure on Sir William Armstrong's guns, they had the whole of their field batteries armed with the Armstrong gun. Those guns, he might safely say, were now almost universally approved and liked by the troops who possessed them. In New Zealand they were being supplied, and certainly they heard no complaints; the guns, as far as they knew, giving satisfaction. It was quite true, that at one time in 1863 there was some doubt, some dislike felt, in regard to them among the Artillery, on account of some failure, or rather symptoms of failure, in those guns; but it turned out that this applied only to some of the very earliest that had been produced, when the manufacture had not reached the perfection subsequently attained, and not even among those guns, he believed, was there ever any accident involving loss of life or personal disablement. Further experience had convinced the Artillery, he believed, that they were in possession of an arm which could be trusted to for rough, actual service, and which, when they had learnt, as they were now learning to use it, was one of most extraordinary accuracy and power. Besides the guns belonging to the field batteries they had a large number in store, with a considerable number in depôt at Woolwich, ready to be sent out at any moment if required. There were also a number of these guns in possession of the navy. Besides the 12-pounders in possession of the troops and in store, they had a large number of twenty and 40-pounders, and of those guns, and especially of the 40-pounders, it was he thought impossible to speak too highly. He believed that the troops, wherever they had them, said they were a most excellent gun, and very far superior to those they had supplanted. For new works, such as those of the land defences at Portsmouth, and also to accompany an army into the field, or to be used as guns of position, they were very valuable. Coming next to the 110-pounders—it was perfectly true they were not so popular or so greatly approved as the guns he had previously enumerated. The Report of the Ordnance Committee had informed hon. Members of what was supposed to be the overwhelming political necessities of the time which required those guns to be adopted and manufactured in large quantities without any very mature consideration or very extended system of experiment. It was believed that foreign nations had obtained rifle guns of great power, and that it was necessary, above all things, that we should have powerful rifle guns to compete with them. Therefore, the only gun of that kind which we knew of was adopted, perhaps, with too much haste. But, although there were many objections to those guns, he believed that those objections were being gradually overcome. The question of the vent-pieces—one of the most difficult questions of all—was being gradually settled. The improvements in the manufacture of steel had enabled the gun factory at Elswick to produce a vent-piece of superior durability. Although the 110-pounder, as far as they had yet tried it with cast iron shot, was not of any material use against armour-plated vessels, still there were a great many positions in which it would be a most useful weapon. He thought that almost all the naval witnesses examined before the Select Committee, although they deprecated the use of the 110-pounder of Sir William Armstrong as a broadside gun, had nevertheless, almost every one of them, stated that he would like to have some guns of that description in his ship for purposes of distant bombardment. For many works of land fortification also these guns would be extremely valuable; there were many positions requiring defence where it was not necessary to have a gun that was capable of piercing an iron-clad ship; and, therefore, although those guns would not accomplish all that could be wished from them—although they had defects, yet their defects were being gradually overcome, and the gun was useful. As to the gun which they were going to make, it was true they had not yet in the service a gun capable of doing effective work against armour-plated ships; but the experience they had had in regard to the 110-pounder ought to caution them against going too fast in that matter. There certainly was no immediate pressure to make them adopt a new gun for that purpose without the fullest consideration. If they had not got a gun capable of making effectual practice on iron-plated ships, they had reason to believe—nay, they felt perfectly certain—from all the information they could obtain, that no other nation had in its service such an arm. Therefore, there was no overwhelming necessity for hurrying on in that direction. But if affairs should look more threatening than they did—if there should be any immediate occasion for iron-clads being called into action, it might be consolatory for the House to know, that as the result of their experiments, they had a system of construction which would give them a strong heavy gun, and a mode of rifling, which, although it might not be the best that might hereafter be discovered, would yet enable them to make guns fulfilling all the conditions they required in a rifle gun, and strong enough to pierce any target yet constructed. They knew now that the principle of making a muzzle-loading gun, the barrel of which was composed of cast steel, strengthened by wrought-iron coils, was capable of producing a strong gun, and that the inventions of Sir William Armstrong combined almost perfectly all the requisites of a system of rifling. Though, therefore, it might appear to the Government and the House not to be desirable that we should proceed hastily in manufacturing heavy guns for our naval armament, yet they would know that we had means to meet any probable emergency. However, as scientific and military men were very much divided into the followers of Sir William Armstrong and Mr. Whitworth, it was considered desirable, as he stated to the House the other evening, that, before proceeding any further with the great question of artillery construction, the merits of these two great artillerists should be tested by an impartial Committee specially chosen for that purpose; and, at the same time, the Ordnance Committee were engaged in a series of experiments as to the other best known systems of rifling and construction. He explained the other reason why so long a delay had occurred before the commencement of these experiments. They were now fixed for the 1st of April. They would have to be most carefully conducted, and would probably extend over a considerable period of time. It would be some months—perhaps near the conclusion of the year — before the Armstrong and Whitworth Select Committee concluded their investigations with reference to the competing guns; but, in order that we should not lose more time than was necessary, orders had been given to the Royal gun factory that a considerable quantity of material should be prepared for the system on which the Committee should decide. The Committee, no doubt, were aware of the performances of the 600-pounder or 13-inch gun, as it would now be called, and which had been extremely satisfactory in a limited number of experiments. Further experiments would take place in a few days; but, although the results were very satisfactory, it would be quite premature to enter largely into the manufacture of so expensive an arm until the fullest tests had been applied to its capability of endurance. If it should continue to exhibit all the excellences it was supposed to possess, two, three, or four more experimental 600-pounders would be ordered, that the Government might feel quite certain that its excellences were not confined to one gun, but that they could be produced on a considerable scale and degree of perfection. If that gun could be reproduced, and answered all the expectations raised by the trials hitherto made, then, he thought, we might feel certain we could produce a gun capable of fairly blowing any ship ever created out of the water. The gun tried at Shoeburyness had almost destroyed the *Warrior* target. It was quite certain, that with steel projectiles, there was no ship floating on the water could resist at 1,000 yards the shot fired by that 13-inch gun. He believed that in future warfare conducted against iron-plated ships, the quality of projectiles would exercise quite as important, if not more important, influence than the gun itself. It had been found by experience that no gun, however powerful, could produce much effect on iron plates with only cast-iron shot. However heavy the blow struck, the shot itself was shattered into pieces without much injury to the plates. He believed that hon. Members who were far better qualified than himself to give an opinion on the subject would bear him out in saying that there was no manufacture in the country which had progressed with such rapid strides of late years as that of cast steel. He believed improvements of the very greatest importance had been made within the last twelve and even within the last six months. The Ordnance Select Committee had been associated with the Iron-plate Committee for the purpose of instituting and carrying out experiments with different kinds of steel, formed into different projectiles, and fired from different kinds of guns. They found that with steel projectiles fired from guns of very much inferior power to the 13-inch gun, such as the Duke of Somerset's gun, the smooth-bore 100-pounder, very satisfactory results had been obtained against iron-plated ships. He had stated at the commencement that he could not give a perfectly satisfactory account of our position as regarded guns; but he had endeavoured to show that, if we were not in possession of a more perfect gun—more perfect as against iron plates—the fault was not that of the Government, or the advisers of the Government. They had prosecuted with the utmost diligence a series of experiments, and they were still going on with them. The fault—if fault there was—arose from the fact that both the manufacture of guns and the manufacture of plates had been continuously in a state of progress, and that the result of one year was constantly upset by that of the year which followed. There must be a limit to the thickness of iron plates, and he thought they had proved that there was scarcely any limit to human science and improvement.

He believed he had now gone through all the items in these Estimates to which it was necessary in this stage of the proceedings, to call the attention of the Committee. He would conclude with admitting, as he began, that this Estimate was a peace Estimate; but, although a peace Estimate, it was a very large Estimate compared to those they had been in the habit of voting a few years ago. Still, he could assure the Committee, that the very greatest care and pains had been taken in framing these Estimates, not only to effect a saving, but real economy. The right hon. and gallant General the Member for Huntingdon (General Peel) had stated at an earlier period of the evening, when supporting an additional expenditure of £40,000, which the Government wished to reduce, that a careful inspection of these Estimates would enable them to find items on which they could effect savings sufficient to cover that amount. He could only say if the right hon. and gallant Officer, looking over the Estimates, could point out an item which could be reduced without much greater loss of efficiency to the army than that involved in the discontinuance of the six days' training of the Yeomanry, the Government would thank him and adopt his suggestions. He did not deny that we had been incurring a large expenditure since 1857. He did not deny that the re-organization in almost every branch of the army might have been in some instances extravagant, and that some of our establishments were not conducted in the most economical manner; but he could assure the right hon. and gallant Officer that his noble Friend at the head of the War Department had every disposition to enforce real economy. Investigations were going on, having for their object the reduction of expense. He could only appeal to the Committee and to every Member of it to point out where they thought a real reduction might be made without a diminution of efficiency, and to support him if he were called on to resist, as no doubt he should be, solicitations for increased expenditure. He had endeavoured, very imperfectly, to lay before the Committee the condition of our army and the manner in which the Votes had been framed, and he had now only to place in the hands of the Chairman the Resolution of which he had given notice—

Motion made, and Question proposed,

"That a Number of Land Forces, not exceeding 146,766 (including 9,347 of all ranks, to be employed with the Depôts in the United Kingdom of Great Britain and Ireland, of Regiments serving in Her Majesty's Indian Possessions, but exclusive of the numbers actually serving within Her Majesty's Indian Possessions) be maintained during the year ending the 31st day of March, 1865."—(*The Marquess of Hartington.*)

General PEEL said, that he wished in the first place to congratulate the noble Lord upon the able statement which he had made to the Committee. He also wished to congratulate the Committee upon the improved manner in which the Estimates were presented to them. He, however, hoped that as the noble Lord who moved the Navy Estimates had shown how the recommendations of the Committee upon Public Accounts would be observed, those recommendations would be borne in mind in the future preparations of the Army Estimates. The consequence had been that the Navy Estimates had become much more intelligible than they were formerly; but in the shape in which the Army Estimates were now presented he would defy anybody to compare the Estimate of one year with the audited accounts of the expenditure of the year with any satisfactory result. The audited accounts only professed to show the expenditure of the absolute sum granted by Parliament, and if the expenditure happened to exceed that amount the excess could not be traced. He had endeavoured to compare the estimated expenditure for the present year with the actual expenditure for the year 1858-9, for which he was responsible. Upon one item—for pay and allowances—the audited accounts showed an expenditure of £3,200,000, although he knew that the actual expenditure was £3,700,000; and, therefore, £500,000 had been expended beyond the amount which appeared in the audited accounts. Of course, there was no concealment of the fact that £500,000 had been advanced by the Treasury, for it was clearly shown in the detailed accounts, but still the fact could not be discovered in the accounts themselves. Another item was the expenditure which had been going on since 1858, and of which he could find no account whatever—the expenditure for Indian troops employed in China, and paid for by the Imperial Government. With reference to that item, however, he was glad to find an improvement in the present Estimates. Last year, when the Indian troops were first noticed in the Army Estimates, and a sum of money was taken for their payment, no number was given, and there were no means of ascertaining their number. In consequence of the forms of the House, he had been compelled to change the form of his objection, and moved that the Vote be reduced; and the result of what took place then was, that this year not only the amount of cost, but also the number of men was given. Certainly, if the control of the House was necessary in any case, it must be in the case of the Indian Native troops. [Colonel SYKES: Serving out of India.] If any part of the Indian Native army could be employed without a Vote of that House, those troops were altogether removed from Parliamentary control. In the case of ordinary troops there were two checks—the Mutiny Act and the money voted by Parliament for the pay of the troops. But neither of these checks applied to Indian troops. Native Indian troops were not liable to the Mutiny Act, being expressly excluded from the operations of that measure, and were ruled by Articles of War expressly framed for India; and the House had no control over Native troops through its privilege as to money Votes, because those troops were paid, in the first instance, by the Indian Government, and the expenditure never came under the notice of the British Parliament till long after it had been incurred. Some little hint of a supplemental Estimate had been put forth, in which the accounts between the Indian Government and the Imperial Exchequer would have to be balanced; but all that the House would learn of that matter would be when a lump sum in settlement was proposed for its sanction. Looking at the Estimates before the Committee, he found that if he added to the 146,766 men there taken credit for the 1,532 Native troops now serving in China and elsewhere, the total number of troops provided for in the Estimates would be 148,219—and thus a most extraordinary proof of the rough Estimate he had made, that the army cost £100 per man was afforded, for the total amount of the Estimates was £14,800,000. But he found that the reduction proposed this year in the number of men was not borne out by the reduction in the Estimate for pay and allowances. Although the number of men was reduced by 1,476, the total reduction in the Vote for pay and allowances was only £750, and the aggregate of the seven Votes immediately connected with that Vote showed an absolute increase of £74,294. He was anxious that there should be a permanent reduction in the army expenditure; but could not avoid an expression of regret that it should be proposed to reduce the artillery by 1,300 men. As recently as the year 1860 his lamented Friend, Lord Herbert, added a brigade of field artillery and a brigade of the very artillery which it was now proposed to reduce. Lord Herbert did so on the express ground of the want of strength in that branch of the service; yet reduction was to take place, notwithstanding the fortification scheme so warmly and so properly supported by the noble Lord at the head of the Government, for which Parliament had since Voted such large sums of money; but it was quite evident that fortifications without guns and men—as had recently been seen in Denmark — were not only useless, but worse than useless. There was another reason which induced him to look with great alarm on the loss of a single trained soldier, and that was the effect of the Limited Enlistment Act. He knew that the subject was one which excited the greatest alarm among military authorities. He had moved for Returns to show the operation of that Act during the last four years, but they were not yet completed. The Adjutant General, however, had shown him the effect of the Limited Enlistment Act for the past year. Men enlisted in the artillery and cavalry for twelve years, and for the Line and Guards for ten years. The result was found to be, that men who had served twelve years, and had only to serve nine years more to become entitled to a pension, re-enlisted more readily; while in the Guards and the Line the proportion of re-enlistments was much less. About ten years since, twenty-six new battalions of infantry were created, whose period of service would expire soon and simultaneously. It therefore became a grave question, whether the subject of Limited Enlistment should not be re-considered, and whether stronger inducements to re-enlistment should not be held out. He was glad to find that an improvement had been made in the Estimates, by which they not only had the Estimate of the present year to compare with that of the last, but they had also the absolute expenditure of the preceding year — that of 1862 and 1863. The noble Lord had pointed out that the Estimate for the present year, as compared with that of the last, showed a decrease on the net expenditure of £373,026, and on the two years together of £619,215. The noble Lord, however, had not been quite happy in explaining the grounds of the proposed reduction. The increased expenditure of 1859-60 was under Lord Derby's Government, and the number of men voted was 122,000 odd, while the total estimated cost was £12,200,000. This included £661,000 for military stores, which sum covered the first introduction of the Armstrong gun into the service, to the limited extent to which it was adopted by Lord Derby's Government — that is to say, merely for field guns. He would answer that for the first quarter of the financial year, for which he was responsible, neither the number of men nor the Estimates were exceeded. But at the conclusion of the financial year, after Lord Derby's Government quitted office, the war broke out, and there was a total expenditure over the Estimates of very nearly

£2,000,000. The item of warlike stores afterwards mounted up from £661,000 to to £2,000,000. Then came a reduction of £600,000 in the item; and this year the saving of £215,000 which had taken place upon the whole Estimates was wholly accounted for, and was even exceeded, by the decrease in the charge for warlike stores. Now, if this decrease were the legitimate result of the operations of the Department, if we had succeeded in reconstructing our armaments, and now only had to allow for ordinary wear and tear, such a result would be a gratifying one. But he feared that this was not the case. The Secretary to the Admiralty had stated the other evening, no doubt with perfect truth, that the navy had not been happy in their guns; and probably he would not have said too much if he had added that three years hence not one single gun now employed in the navy would remain in the service. Another reason for doubting the permanency of this reduction was, that while the Vote for stores was much smaller than before, there was a great increase in the charge for experiments. This seemed to show pretty conclusively that we had not yet hit upon the right gun; and he feared that, as in 1858, so now, large demands upon the Chancellor of the Exchequer were looming in the distance for new armaments, and that the great expenditure upon their reconstruction had not yet ceased. One great advantage to be obtained by having the Estimates in a proper form was that the House then saw not only the number of men voted, but the number actually borne, as well as the expenditure in respect of them. Again, the House had an opportunity then of testing the value of the objections which had been taken on particular points. The House might recollect that he had always objected to attempts to show a decrease of expenditure which would not be borne out by the result. On a former occasion a large number of men were said to be wanting to the complete establishment. He felt sure that this was not so; but a sum of £60,000 was, nevertheless, deducted from the Vote for pay and allowances. He protested against this at the time, and he now found that the excess upon that Vote was £56,400, showing that the reduction had been purely nominal. The fact had been accounted for by the statement that the men were all in prison; and in Vote 6 of the present Estimates there was certainly a deduction of £41,000 on account of unissued pay to soldiers under confinement. However, he contended that his criticism had been perfectly justified. On three or four occasions he had endeavoured, in vain, to obtain some further information with respect to capitation. Capitation was an allowance of £10 per man paid upon forces absolutely serving in India in order to cover expenses formerly paid by the Indian Government, but now transferred to the Imperial Government. That sum was no doubt fixed after careful consideration by the Committee which was appointed and which represented the interests of the Home and the Indian Governments. [Colonel SYKES: After a considerable wrangle.] Upon one item alone, that of the pay of officers upon furlough from India, which two years ago was estimated at £45,000, there was an increase in the year following to £130,000, and this year it had risen to £137,000. He would suggest to the Government whether, out of the great excess of expenditure upon this one item, they might not find the means of saving the cost which they grudged to the Yeomanry. After the division which had taken place that evening, he had certainly hoped that the noble Lord at the head of the Government would have got up, and said that the Government would take into consideration the strong opinion of the House; and he still trusted that, before the Estimates were disposed of, the noble Lord would give an assurance that a Vote so essential to the efficiency of the Yoemanry would yet be proposed. However this might be decided, he felt certain that if there was a Committee upon Public Accounts, and these Estimates were referred to them, the question of the capitation Vote would be found worth their serious consideration. In all his observations upon the Army Estimates he had but two objects in view—first to secure the efficiency of the army, and next to secure the due control of this House over the expenditure. He was not one of those who had the least fear of the hon. Member for Lambeth (Mr. Williams), or of the strictest economist, feeling persuaded that if you could show them that any sum of money was really required for the defence of the country, it would be at once and cheerfully given.

MR. BENTINCK said, the noble Lord (the Marquess of Hartington) had given no answer to his hon. Friend the Member for Inverness-shire (Mr. H. Baillie). He had, however, broached some very remarkable and some very dangerous doctrines. His noble Friend had told them that the policy of the Government was a peace policy. That was a great announcement to make at any time, but was it very remarkable at the present time? Although the policy of the Government might be a policy of peace, it did not follow that that would always justify proposing peace Estimates. Did the present state of Europe justify peace Estimates? He might also advert to the state of things across the Atlantic. Was any man in this country prepared to take upon himself the responsibility of saying, that within a limited period we should not be engaged in hostilities with the United States? He thought there was not; and, if not, the Government ought not to have brought forward such Estimates as those proposed by the noble Lord that evening. His noble Friend had told them—and told them truly—that the improved condition of our armaments was due to the large expenditure which had been incurred in consequence of the deficiencies that were discovered during the Crimean war, and he said that now the country desired to reap the benefit of that expenditure. That appeared to him (Mr. Bentinck) a most untenable proposition—because it amounted to this, that after expending a large sum of money they proposed to return to that mistaken economy, the result of which must be disastrous and costly upon any emergency arising. The question which had been raised by his hon. Friend the Member for Invernesshire was a very large one, for it embraced two points—a question of policy, and a question of humanity. As far as policy was concerned, the noble Lord had said nothing to justify peace Estimates, and he had made no answer to his hon. Friend. His hon. Friend had stated, in reference to the question of humanity, that a regiment in India was entirely expended by the climate in the course of twelve years. That in itself was a fearful consideration, and it was quite obvious that it was the duty of any Government to reduce as much as possible such an expenditure of life. His hon. Friend had told them that in order to supply sufficient reliefs we were now twenty battalions short. The noble Lord had not in any way answered that statement. His hon. Friend had talked of the decreasing influence of England in the counsels of Europe. He (Mr. Bentinck) believed that that was so, and that it was to be attributed to the policy of succeeding Governments for many years past of endeavouring to frame Budgets to meet the clamour—or he had better, perhaps, say "claim," and not for the benefit of the nation. It was impossible for any country in the position of Great Britain, with her colonies and commerce, to retain her influence, unless her armaments were in such a position as to enable her to defend herself from aggression in every part of the world. His noble Friend spoke of having 12,000 more troops than we had at some former period. [The Marquess of HARTINGTON: I said we have 30,000 more than were on the establishment in 1854.] That did not make the matter much better. An increase of 20,000 or 30,000 would not place England in a position to take her part in a great European struggle, whilst the other great European powers had armies of from 300,000 to 600,000 men. With reference to the peace policy announced by the noble Lord, he could understand it, for this country was not in a state to go to war at present; it was not prepared; and the country would not again consent to rush into a war, as it did in 1853, when they were quite unprepared, thus causing an immense loss of blood and money, and it would be impossible to prepare this country for a great war in less than three or four years. So long as the Government were prepared to bring forward Estimates such as these, they must be prepared to tell Europe and the world that we were not prepared to go to war. The noble Lord at the head of the Government had told them that fortifications were the best means of defence for our coasts. He should like to know how the noble Lord reconciled the immense outlay for fortifications with the reduction by 1,300 of the only men who could work them—the artillerymen—who took longer than any other class of soldiers to train and render efficient. As to what had fallen from the right hon. and gallant Member for Huntingdon (General Peel), he would appeal to the Government on the subject of the Yeomanry, and suggest to them, that, after the very close division that had taken place, they should do that which would be the right and graceful thing, and accede to the proposition that the Yeomanry should be called out. There was a very strong feeling in the country on this matter. The Yeomanry did not belong to a very favoured class—namely, the agriculturists; but the Government was now doing all that it could to encourage the new class of Volunteers

—he would not say a word of disparagement of that force, which was an example to, as it was the admiration of, Europe; but because they encouraged this valuable class of men that was no reason why they should do away with an older class of Volunteers, against whom there was no complaint, and who not only gave their services but kept horses for the purpose of rendering the force efficient. Moreover, it was easier to organize a body of infantry than a cavalry force. It was always a very unwise thing for Government to do to discourage any ebullition of loyal feeling, and he ventured to say that there could not be found throughout the length and breadth of the land a more loyal, devoted, and energetic body of volunteers than the Yeomanry.

Mr. H. BAILLIE said, the noble Lord (the Marquess of Hartington) had admitted they had 34 battalions of infantry, that was 26,000 men, on the home establishment, so that if they had now 26,000 infantry in the country, he did not know how they could have 30,000 more than they had a few years ago. The noble Lord was quite right in saying that if his (Mr. Baillie's) statement meant anything, it meant that Government ought to increase the number of battalions so that relief might be sent more regularly to regiments serving abroad. He regretted to find that the Government did not intend to carry out any such plan, as the result must be that that relief could not be afforded, and they could have regiments abroad, in the Colonies and India, remaining twenty-five years, thus causing great loss of life and discipline. The right hon. Member for Huntingdon (General Peel) adverted to the limited service, and the loss the Government sustained by the number of men whose period of service expired every year; the loss was not only numerically great, and deprived them of their most efficient men, but as the Government had to bring these men home and send new recruits out to fill their places, the expense was very great, and he thought it would be more economical, and secure the continuance of the men in the army, if, at the end of ten years, their pay were raised 3*d.* a day for five years. He understood that there were no less than 15,000 men whose term of service expired this year, and the number would be greater hereafter, when the time of the new battalions had expired. The subject ought, therefore, to engage the immediate attention of the Government.

Mr. W. WILLIAMS reminded the House that, in the regular service, Yeomanry, Militia, and Volunteers, the country had 450,000 armed men at home; and, adding to these the army in India and the native troops, they had altogether 650,000 men for the defence of Great Britain and her colonies. What more could we want? No other country had so many men under arms. He could well understand the Government maintaining our present military force, because it gave them an enormous amount of patronage. But he thought it quite unnecessary, and if any hon. Member would move a reduction in the number of men, he would support the proposition.

Colonel SYKES said, he was glad to see a marked improvement in the Estimates with respect to additional information, but a great deal more might yet be done. In their present form there were no means of ascertaining what a piece of ordnance or a rifle cost, how many were turned out, or how many were required in the year; nor could they tell how many of the 146,766 men had to be clothed, or what was the cost of each soldier's clothing in the different grades. In the French Budget details were given which enabled anyone to calculate those particulars for himself. There was a reduction of 1,476 men, but a reduction of only £750 out of £5,708,983, so that there must be an increased charge in allowances. He regretted the proposed reduction in the artillery; he would rather see a reduction in any other portion of our military force. He thought it unfair to the Army Budget that £1,324,442, which was the amount paid back to the Government for the troops in India, and on other accounts, was not deducted, and the total amount reduced to £13,520,446, the real sum required, instead of standing, as it did, at £14,844,888. The army, too, supplied the navy with ordnance and gunpowder to a very large amount, and the cost ought in fairness to be deducted from the Army and carried to the Navy Estimates. The first and second Votes were also somewhat mystified, by the total amount of pay being charged, and the total amount of rations, without deducting the money stopped for rations from the men's pay. It had been often stated in the House, that the annual cost of an English soldier was £100 per man; but this was fallacious as far as it related to the effective strength, for this sum of £100 included the charges for auxiliary forces, and the very large amount exceeding two millions for the non-effective services. The average cost per head of effectives, including these charges for 1863-4, was £101 11*s.* 10*d.*; but deducting £1,222,977, the charge for the auxiliary forces, the numbers of which were not given, the cost per head of effectives was reduced to £93 6*s.* 10*d.*; but still further deducting the charge of £2,127,836 for non-effectives, the most per head of fighting men and officers was £78 18*s.* 5*d.*, and from this amount a deduction also should be made for the supply of warlike stores to the navy. In the French army the cost of effectives and non-effectives was £43 11*s.* 10*d.*, as against our £101 4*s.* 11*d.* per man, and of effectives £37 2*s.* 6*d.*, as against £78 18*s.* 5*d.* per man. The cost of our men was nearly double that of the French, and the same proportion ran through all the charges in our army when compared with the French army.

COLONEL NORTH said, he could not congratulate the Government on this occasion, for if ever there was a moment when the army or navy ought not to be reduced by a single man the present was the time. When he considered the number of soldiers whose period of service would expire in the next year and a half, about 15,000, it became a subject most alarming to the country. Several years ago, when the new system was introduced, the late Lord Herbert asked him how he thought it would work. His reply was that the system would either be most advantageous or most destructive. He hoped he should not prove a true prophet. He believed that no sum would be too large to insure to the service a good soldier of ten years' service. Some persons seemed to suppose that it was only necessary to put a red coat upon a man's back to make him a soldier; but the real value of an efficient soldier consisted not in his acquaintance with drill, but in his disciplined mind, enabling his officers to place reliance upon him under all circumstances of danger and difficulty. Owing to the demand for trained men in the rural police and upon railways, soldiers now at twenty-eight years of age could take off their caps to their commanding officer, and obtain pay that was enormous compared with what they received in the ranks. Under these circumstances, instead of discharging men, every possible inducement should be offered to experienced soldiers to remain. Assuming that the ten years' service men quitted the army in any great proportion, most of our regiments must remain in a very inefficient state for months, perhaps for years; whereas in the Continental armies the conscription replaced on Tuesday the vacancies caused by lapse of time upon Monday. The noble Lord said, if we happened to be at war there would be no lack of men; but surely the experience of the Crimean war ought not to be lost. Towards the close of that contest our regiments consisted of wretched boys, without strength or constitutions, who, as soon as they were exposed to hardship or fatigue, had to be discharged in bad health, with from 6*d.* to 9*d.* a day for two years, at the end of which time they had to go about the country begging. The country had no right to destroy the health of young men by such a system, and then turn them adrift with a miserable pittance. The reduction contemplated was accounted for by the relinquishment of the Ionian Islands; but in the garrisons of those Islands he found that there had been only 372 artillerymen, whereas no less than 1,313 were suddenly to be got rid of; 313 sappers and 813 cavalry were likewise to be struck off. Now, he had never heard of a single cavalry soldier being quartered in the Ionian Islands. It required three years to make a good artilleryman, two years to train a cavalry soldier, and what time to educate a sapper he really did not know; but the proposal of the Government was to weaken these three most important branches of the service. Such a proposal was, in effect, saying to the rest of Europe, "You may kick us as much as you please, but you will not kick us into a fight." If such really were to be our system for the future, it would be well if we abstained from internally interfering and offering an opinion as to the affairs of every other country. He felt pleased that England had not been forced into war, but it was impossible to shut one's eyes to the opinion universally prevalent, that we had behaved in a most disgraceful and un-English manner to a nation as gallant as our own. The Danes were few in number, he granted, but the more credit to them for the gallant way in which they were defending their country. To dispel an illusion was always unpleasant, but he must assure the noble Lord who thought the influence of England had not declined, that a very different opinion was entertained outside the House. Many persons were recalling the old fable about the jackass with the lion's skin. Once the roar of the lion made half Europe quail, but now the bray of the jackass made all Europe laugh. According to the new heraldry, the lion should be no longer rampant; the lion with his tail between his legs would better illustrate the real position of the country. Our Government had meddled with the affairs of every country of Europe, until it was laughed at by everybody. If there was a division, he should protest against the reduction of the army by a single man.

MR. CHILDERS hoped the House would not be drawn away from financial considerations into a discussion of the Danish policy of the Government. Such a debate would be premature in the first place, but he ventured to think that whenever it was entered upon the country would show at least as much confidence in the policy of the Government in reference to Denmark as it had in the late Government at the time Lord Malmesbury was at the head of the Foreign Office, and the war broke out between France and Austria. He gave sincere thanks to the noble Lord (the Marquess of Hartington) for the perfectly clear mode in which the Estimates had been drawn up; this improvement with the intelligible statement with which the noble Lord had introduced them, would enable the Committee to see at once what was the cost of each branch of the service. As to the French Budgets he warned hon. Members against assuming that the cost of the new arms could yet be conclusively arrived at. No doubt we should aim at a clear estimate of the cost of every article made, without which no one could tell whether the manufacturing departments were properly worked; but the attempt at present to fix the cost of, say the Armstrong gun, would infallibly be delusive. On the whole, considering the present state of Europe, he did not think it would have been wise for the Government to have reduced the Estimates any further; but he was sorry that the promises made last year, of a reduction in the military expenditure of the colonies, had not been kept. For instance, the revenues of Ceylon and the Mauritius were well able to bear an additional proportion of this charge. He could also endorse the opinion of many hon. Members, that the reduction in the numbers of the artillery was injudicious. Many of the colonies would rather have 150 or 200 artillerymen than the present force of 400, 500, or 600 infantry of the line. There were still signs of an inefficient control over the buildings in the military department. At the proper time he would be obliged to remark upon the carelessness with which the Estimates appear, in the first place, to be drawn in the case of almost every barrack and hospital. He was glad that the War Office were about to improve the canteen arrangements in six or seven home stations. He would suggest that the experiment should also be tried at Gibraltar. He was at that place about four months ago, and regretted to observe that every temptation to drink was held out to the soldiers. He found that half the civil revenue of the place was derived from licences, rents, and payments in connection with public-houses. The reason appeared to be that Gibraltar was located as a Colony, and that it was necessary to create a Colonial revenue to defray its civil charges. But Gibraltar ought to be regarded not as a colony supporting its own civil establishment, but as a large garrison.

COLONEL DUNNE could not admit that the noble Lord (the Marquess of Hartington) was correct in calling the present a peace Estimate when it was within a quarter of a million of £15,000,000. He should like to know how many men we could send into the field on a sudden for this fourteen millions and three-quarters? He did not believe that 25,000 men would be available for foreign service even if the militia were called out. The fact was, the men were locked up in the depôt battalions. For £15,000,000 the Government got a great deal of patronage, and the country very little efficiency in the army. He considered that the reduction of 1,300 men in the artillery, and the despatch of seven batteries of horse artillery to India, were both unwise measures. The officers now in this country did not wish to go to India, and those who would come home would be a long time before they were as efficient as the others under circumstances so widely different. The Government would do well, without delay, to alter the system of recruiting. The plan of enlisting for an infantry soldier for ten years was absurd. It would be much better to raise the period from ten to twelve years, as was done in the cavalry and artillery.

THE MARQUESS OF HARTINGTON said, several hon. Members on the other side had referred to the operation of the Limited Enlistment Act. It was quite true that that Act was now, for the first time, coming into operation; but so far as results had hitherto gone they had been by no means unsatisfactory. If they lost this year no more in proportion of the limited service men than in former years; their losses would not exceed 4,000; and that, added to the ordinary casualties, would not bring the number of recruits that would be required above 13,000—a number that had been frequently raised in former years. It would be impossible to say, until the Act had been still longer in operation, what would be the general results, and what measures it might be necessary to take in consequence. It was quite possible that it might be necessary to hold out further inducements for re-enlistment; but it would be premature to press for alteration until they had had some few years' experience of the working of the Act. At present, he saw no cause for alarm. As he had said earlier in the evening, the losses in the army were very much smaller than usual, owing to improved sanitary arrangements and the younger age of the men entering the service; but, at all events, there would be no use in asking a larger sum of money than would be required for the number of men likely to enlist. As to the state of our reliefs, there would be borne on the books of the establishment at home forty-one battalions, in India twenty-five, and in the colonies forty-five. That number was not equal to what it ought to be. The proportion at home ought to be fifty battalions, but the rule in that respect was never intended to hold good in exceptional circumstances, such as were created by the war in New Zealand and the large body of troops in Canada. If we got three or four regiments from New Zealand and a few from Canada, we should have a sufficient number of battalions at home to keep up the necessary reliefs. There had been some misunderstanding as to what had been said by the noble Lord at the head of the Government about the reduction owing to the evacuation of the Ionian Islands. If they reduced their army by the exact number of men that was gained by the evacuation of the Ionian Islands, they should make a much more considerable reduction than they did—they should reduce it by 4,000 instead of 1,100 men. As to the reduction of 380 artillerymen, it was well known that if the Ionian Islands were in our hands in case of war they would take not less than 1,000 artillerymen; and, therefore, having given up those Islands, we should, in case of war, have that additional number of artillerymen to depend upon. The Government certainly were of opinion that the country was entitled to some relief from the surrender of those Islands, and if no reduction had been made the country would not have been at all better off for having given them up, and they had carefully considered in what manner reduction could be best made having regard to the efficiency of the army, and the result was the proposition he had now made.

It had been said that it takes some time to make an artillery soldier, but it was not absolutely necessary that all the men who had to work guns should be highly trained. Within the last two years they had made such arrangements that they now retained a nucleus by means of which a very large force of garrison artillery might be called together should occasion arise, and, under the superintendence of trained officers and men, no doubt they could be very effectively employed. With the good system of artillery officers and non-commissioned officers which they had established, they could afford to spare a few men. The right hon. Gentleman the Member for Huntingdon (General Peel) had mentioned the subject of the Indian capitation rate. The total cost of the depôt battalions for the regiments in India, calculated for whatever number of years, was divided by the number of men in India, and that was the way the capitation rate was arrived at. Several hon. Members had referred to the fact that, although the numbers of men had been diminished by 14,000, Vote 1 had only been reduced about £700; but the explanation of that circumstance would be found in the statement which had been circulated with the Estimates. As it was necessary that the Mutiny Bill should be passed before Easter, he hoped that the Committee would agree to this Vote to-night.

Colonel NORTH said, that 5,000 men would complete their service in the course of next year, and much anxiety was felt among military men lest the army should not be properly recruited.

Sir WILLIAM FRASER asked whether it was intended to make any alteration in the uniforms of the army. Facings, colours, or badges, a star or a cross might not appear to civilians matters of much importance, but great value was attached to them by soldiers; and no less an authority than the Duke of Wellington was of opinion, that a difference of facings was of great use in enabling the General of a division or a brigade to distinguish different regiments rapidly and easily.

THE MARQUESS OF HARTINGTON said, that although there might be advantages in having only one button and one set of badges, there was no immediate intention of making any alteration in the uniforms of the army.

MR. BENTINCK said, he could not refrain from noticing one extraordinary argument which had been used by the Under Secretary for War. The noble Marquess admitted that we had not sufficient troops at home to provide for our colonial reliefs, but he said that the deficiency was caused by the war in New Zealand, and the military occupation of Canada. That meant that there was a war going on in one country, and a probability or possibility of war in another. Yet it was under these circumstances that the Government proposed a reduction of the army. A more singular or more illogical argument he never heard.

THE MARQUESS OF HARTINGTON said, that his argument only went to this—that the Indian reliefs could not be carried on with the same regularity with a war in New Zealand and an occupation of Canada as in ordinary years. No one supposed that during a war the colonial reliefs would go on with their accustomed regularity. The proportion of ten years to five was intendad to be maintained in the time of peace and not in time of war.

Resolution *agreed to.*

"146,766 Land Forces (including 9,947, all ranks, to be employed with the Depôts in the United Kingdom of Great Britain and Ireland, of Regiments serving in Her Majesty's Indian Possessions, but exclusive of the numbers actually serving within Her Majesty's Indian Possessions)."

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again *To-morrow.*

House adjourned at half after
Twelve o'clock.

HOUSE OF LORDS,

Friday, March 4, 1864.

MINUTES.] — *Sat First in Parliament*— The Marquess of Lansdowne, after the Death of his Father.

PUBLIC BILLS—*First Reading*—Court of Chancery (Despatch of Business) H.L. (No. 18); Vestry Cess Abolition (Ireland)* (No. 19); Sir John Lawrence's Salary* (No. 20).

Sir William Frazer

COURT OF CHANCERY (DESPATCH OF BUSINESS) BILL.—FIRST READING.

THE LORD CHANCELLOR *presented* a Bill to enable additional assistance to be given to the Master of the Rolls. In the year 1860, it was found that the business of the Rolls Court had so largely increased that a Bill was introduced (the 23 & 24 *Vict.* c. 149) authorizing the Lord Chancellor to continue the services of Mr. John Arthur Buckley, the late chief clerk, as an additional clerk. That gentleman had recently (and most deservedly) been promoted to be chief clerk of Vice Chancellor Kindersley, in the room of Mr. Charles Pugh, recently deceased. Since 1860 the business of the Rolls Court, had not only not diminished, but had so considerably increased as to render it necessary not only that the vacancy caused by the promotion of Mr. Buckley should be filled up, but that further assistance should be given. The present Bill, therefore, authorized the appointment of Mr. Hawkins, who had already for some time past been engaged in transacting the business of the Rolls Court, to be additional chief clerk, and also enabled the Master of the Rolls to appoint one other junior clerk and an assistant clerk. It would give their Lordships an idea of the imperative necessity of such an addition to the staff of the Rolls Court when he stated, that in 1862-3 out of 41,300 causes appointed to be heard in the Chancery Courts 16,900 were disposed of by the Master of the Rolls. His Lordship then *presented* "A Bill for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery."

Bill read 1^{a}. [No. 18.]

House adjourned at a quarter past
Five o'clock, to Monday next,
Twelve o'clock.

HOUSE OF COMMONS,

Friday, March 4, 1864.

MINUTES.] — SELECT COMMITTEE — *Report*— Committee of Selection, *Second Report* (No. 62).

SUPPLY—*considered in Committee*—ARMY ESTIMATES—R.P.

Resolution [March 3] *reported.*

PUBLIC BILLS—*First Reading*—Mutiny*; Marine Mutiny*.

Second Reading—Penal Servitude Acts Amendment* [Bill 23].
Committee—Inclosure* [Bill 26]; Government Annuities* [Bill 11], *Debate adjourned.*
Report—Inclosure*.

SERVICES OF CAPTAIN SPEKE.

QUESTION.

Sir WILLIAM MILES said, he wished to ask the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to recognize the great services of Captain Speke in opening Equatorial Africa to the knowledge of the world?

Viscount PALMERSTON: Sir, I fully acknowledge the merits of Captain Speke. He has shown great sagacity in selecting the point at which he aimed. He displayed great enterprize, courage, endurance, and perseverance in the accomplishment of his purpose. There are people, however, who demur as to the originality of his conception, but at all events it may be admitted that he has settled a very interesting geographical problem—namely, from what source the waters of the Nile are derived. But as to any immediate practical advantage that mankind are to derive from the solution of that problem, I am not particularly aware that any great results are to be expected from it. If, however, we consider Captain Speke simply in the light of an adventurous traveller encountering great dangers for the object he had in view, there are other persons who in Africa and elsewhere have encountered equal, if not greater, dangers, and undergone equal, if not greater, labours, and have obtained results more immediately interesting and advantageous to mankind. I have only to mention those who explored the Niger and proved its navigability into the interior of Africa. I would mention Dr. Livingstone, who for several years has laboured incessantly, and who has discovered vast regions where cotton of the finest description grows, and which might be made available for the commerce of this country if it were not that the Portuguese lay waste that country by encouraging the slave trade. I may mention also Count Strzelecki, who, by incessant labour and at considerable expense to himself, explored important regions in Australia, and pointed out those gold formations which have since become a source of great wealth to the Colony and great advantage to Europe. Therefore, while doing every justice to the merits of Captain Speke, Her Majesty's Government have not thought that he and those brave and enterprising men who accompanied him have done that which so takes them out of the category of successful travellers and explorers as to warrant any particular manifestation of the favour of the Crown.

Sir WILLIAM MILES said, he would at an early day move for papers and make a Motion on the subject.

Mr. NEWDEGATE said, he wished to ask the noble Lord, whether he was aware that one of the earliest explorers in Africa, who perhaps laid the foundation of these discoveries by Captain Speke, was Dr. Beke, who had written on that subject, and had pointed out the direction of these investigations.

Viscount PALMERSTON: I alluded to Dr. Beke when I said there were others who disputed the originality of Captain Speke's theory.

THE JEWS IN MOROCCO.

QUESTION.

Mr. Alderman SALOMONS said, he wished to ask the Under Secretary of State for Foreign Affairs, If Her Majesty's Government have received any official information of the result of Sir Moses Montefiore's philanthropic representation to the Sultan of Morocco on the judicial cruelties inflicted on the Jews at Saffi?

Mr. LAYARD: Sir, in answer to my hon. Friend I have to state that Her Majesty's Government yesterday received despatches from Her Majesty's Minister at Morocco, giving an account of the mission of Sir Moses Montefiore, and of his return with a copy of the firman granted to him by the Sultan of Morocco. It is known that last year considerable cruelties were inflicted upon the Jews at Saffi, and that Sir Moses Montefiore desired to go out to Morocco, if possible to obtain justice for the sufferers. The Foreign Office felt the greatest sympathy for his mission, and did all they could by letters of introduction and recommendations to forward it. We have every reason to believe that those cruelties were not committed by any order of the Sultan, who, according to all accounts, is a very liberal, humane, and enlightened sovereign. Sir Moses Montefiore went to Tangiers, and there succeeded in getting the Jews released from prison, but, not satisfied with that, he undertook a journey to the capital of Morocco. When we consider how arduous and perilous a journey that is, and that a man of Sir Moses Montefiore's age, and I fear I must add infirmities, undertook that journey, we must admit that the highest credit is due to him for doing so. After going through many difficulties and much exposure he arrived at the capital and presented a petition to the Sultan, and I feel bound to add that the petition was not confined to the relief of those of his own faith, but extended to all the subjects of the Sultan who were not of the Mahommedan race. The Sultan acted with great generosity and humanity, and granted a firman to Sir Moses Montefiore, in which are these words, which show something of the exaggerated style of Oriental documents—

> "In the Courts of Law the Jews shall occupy a position of perfect equality with all other members of the community, so that not even a fractional portion of the smallest imaginable particle of injustice shall reach any one of them."

I trust that that is perfectly satisfactory; and when we remember that there are no less than 500,000 Jews in Morocco, the great services rendered by Sir Moses Montefiore must be apparent to all. Having had the honour of acting with Sir Moses Montefiore on various occasions, I can bear my testimony to the noble and generous spirit of humanity and philanthropy which ever animates him, and which has no reference to sect or creed, but is extended to all persons, whoever they may be, who are suffering wrong or injustice.

CATTLE DISEASES PREVENTION BILL.

QUESTION.

Sir MICHAEL STEWART said, he wished to ask the Under Secretary of State for the Home Department, Whether, considering the short time that has been afforded for the consideration of the "Cattle Diseases Prevention," and "Cattle, &c., Importation" Bills, and the importance of the interests concerned, he will postpone until after Easter, the Second Reading of these Bills?

Mr. H. A. BRUCE said, the Bills might be more satisfactorily discussed in Committee than on the second reading, and therefore, after Easter, it was his intention to refer the Bills to a Select Committee.

GALWAY PACKET SERVICE.

QUESTION.

Mr. BAXTER said, he rose to ask the Secretary to the Treasury, Whether there

is any truth in the following statement, extracted from the *Galway Gazette*:—

> "The Directors of the Atlantic Company have applied to the Post Office authorities for permission to discontinue the Mail Service between Galway and America until June next. They have also intimated their intention of entering upon negotiations with another Company for the use of steamers to commence the service at that time, as the ships of the Company will not be in readiness to sail even then. The Directors are reported to be of opinion that they can never carry out their contract with the ships at present in their possession, and will, in all probability, endeavour to effect a sale of their interest in the project, with a transfer of the Mail Subsidy, to some existing Company more capable of carrying out the project than they are;"

also, in how many instances the vessels of the Company kept contract time; and if Her Majesty's Government is still of opinion that this service is a great public benefit to Ireland?

Mr. PEEL: Sir, the part of the statement I know to be true is this, that the Atlantic Company have asked the Government to allow the contract to be suspended until the beginning of the month of June, stating that they are carrying on negotiations with certain parties, which they hope will result in enabling them to make arrangements to carry on the service effectually after that time. They have not stated, however, that they are in communication with any particular Company, and they have no power under the Contract to transfer theMail Subsidy. With regard to the manner in which the Contract has been performed up to this time, I have to state that it has now been in operation for six months, and that during that time the Company have omitted four voyages from each side. As regards the eleven voyages each way which they have performed, I find that as between Galway and St. John's, which they are bound to reach in six days, the Contract time has been exceeded in every instance; but that between this country and America, the Contract time has been kept in six instances, and that in five instances the time allowed has been exceeded; but in two out of the five of these instances the Company were, by the terms of the Contract, exempt, under the circumstances, from responsibility for the delay. With regard to the return voyages, the Contract time has been kept in two instances; in nine instances the time allowed was exceeded, but in two of these instances owing to causes over which the Company had no control. With respect to the last portion of the question, I must state that, regarding it in a postal point of view, and speaking of it in that sense only, I do not think that the Contract can be considered to have been of much benefit.

VACCINATION.—QUESTION.

Mr. BAINES said, he wished to ask the Vice President of the Committee of Council on Education, Whether it is intended to introduce any measure to make the Law relative to Vaccination more effectual?

Mr. LOWE: I am not aware of any such intention.

GRAND JURIES BILL.

QUESTION.

Colonel FORDE said, he would beg to ask the hon. Member for Waterford, If the Grand Juries (Ireland) Bill will be printed and distributed in sufficient time to be laid before the Grand Juries in Ireland, now about to assemble?

Mr. BLAKE, in reply, said, he hoped the Bill would be in the hands of hon. Members before this day week. The delay which had arisen was owing to the absence of an hon. Friend now on Circuit, who had consented to aid in preparing the Bill

LEGISLATION OF SOUTH AUSTRALIA.

QUESTION.

Mr. CHILDERS said, he wished to ask the Under Secretary of State for the Colonies, Whether any despatch has been received by a recent Mail from South Australia, intimating that Mr. Justice Boothby (one of the Judges of the Supreme Court of that Province) has decided that all local Legislation of the Colony since 1850 is invalid, and has on that ground refused to administer one of such Acts; and, if so, what course Her Majesty's Government intend to take to remedy the evils which must arise from such a decision?

Mr. CHICHESTER FORTESCUE said, in reply, that news to the effect stated by the hon. Gentleman, with respect to Mr. Justice Boothby, had reached the Colonial Office. But the decision of Mr. Justice Boothby was of the less importance, seeing that it was not concurred in by his two learned brethren, the Chief Justice and the other Puisne Judge. His noble Friend the Secretary of State, at the same time, was quite aware of the importance of setting any doubts which might have arisen on the subject at rest, and he had it in contemplation to introduce a measure with that object.

CHAIN CABLES AND ANCHORS—MESSRS. BROWN, LENNOX, & CO.

QUESTION.

Mr. LAIRD said, he rose to ask the Secretary to the Admiralty, If the Lords' Commissioners of the Admiralty were aware, when they issued the advertisement dated 19th January, 1864, announcing that the Transport Board had no objection to the reception of Messrs. Brown, Lennox, and Co.'s certificate of proof of cables for ships hired by that Department up to the 1st July, 1864, instead of those required by Lloyd's Committee, that Lloyd's Committee had extended the same privileges to many other manufacturers as they had done to Brown, Lennox, and Co.; and whether the Admiralty will, therefore, on application being made by any of the chain makers whose certificates are recognized by Lloyd's, be prepared to extend to such chain makers the same privilege as they have granted to Messrs. Brown, Lennox, and Co., and to notify the same by public advertisement, as they did in January last in respect to Messrs. Brown, Lennox, and Co.?

Sir FREDERIC SMITH wished to ask, whether the Navy Estimates will be proceeded with on Monday next?

Lord CLARENCE PAGET replied, that they would not proceed with the Navy Estimates on Monday. With reference to the question put by the hon. Gentleman (Mr. Laird), he had to state, that he was not aware that there had been any instances in which other firms besides Messrs. Brown, Lennox, and Co., had been allowed to test anchors and chains up to the 1st of July. But with respect to the latter part of the question, he had to say, if other chain makers would be good enough to make application to the Admiralty, the question would be fairly considered and judged upon its merits.

AUSTRIA AND THE ZOLLVEREIN.

QUESTION.

Mr. SEYMOUR FITZGERALD: Sir, at the commencement of the Session a question was asked by an hon. Gentleman, whether the Board of Trade were in possession of a proposed Treaty between Austria and the Zollverein; and the answer was, that the Board of Trade were not in possession of such Treaty. I have reason to know that some of the Chambers of Commerce have been in possession of that Treaty for the last six weeks, and I wish to know, Whether the Board of Trade are now in possession of the draft of a Commercial Treaty between Austria and the Zollverein; secondly, whether the Board of Trade have entered into communication with Chambers of Commerce in this country as to the articles to be affected by the new tariff; and thirdly, whether the Government have taken any steps to protect British interests that may be affected by the new arrangements?

MR. MILNER GIBSON: The Board of Trade, Sir, are in possession of a project of tariff which is said to be under consideration by the Austrian Government and the Zollverein. Whether it will be subsequently agreed to, I, of course, cannot say. But Her Majesty's Government have not taken any steps with regard to the negotiations which appear to be going on between Austria and the Zollverein, as British interests are not directly concerned. But should the opportunity arise of asking for any inquiry with a view to the protection of British interests, such inquiry will be made. At present no such step has been taken, but the project of tariff is in our possession.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

STAMP ON PROXY PAPERS.

RESOLUTION.

MR. DARBY GRIFFITH said, he took that opportunity of again bringing forward a subject which he had had the honour of submitting to the House last year, and which, he was bound to say, had been treated in a fair and straightforward manner by the right hon. Gentleman the Chancellor of the Exchequer. The question involved considerations of great importance, but for that he would not have troubled the House to consider it. When a franchise was granted it was right it should be exercised as freely as possible. The system of taking votes by proxy, though altogether unknown in that House, was yet in full operation elsewhere. In the case of railway companies, for instance, a voter, if he intended to vote, and was not able to attend a meeting personally, had no means of exercising his vote except by proxy, and he must either provide himself with a particular kind of stamp at his own expense, or he must depend upon the Board of Directors for it. He was aware that directors had been in the habit of paying for these proxy stamps out of the funds of the railway companies, and of requesting the proprietors who did not make use of them to return them. It appeared, however, that some directors had at length felt doubts as to the legality of that practice. The expense of the proxies, at the present price of the stamp, was very considerable. The number of the shareholders in the Great Western Railway Company was 15,000, and proxy stamps for that number, at the present six-penny rate, would cost about £370. In addition there was the penny postage stamp on the envelope containing the proxy, together with another penny stamp enclosed for the purpose of franking the return of the proxy, so that between £400 and £500 might be expended for the purpose of obtaining an expression of opinion on the part of the shareholders. If there existed a difference of opinion between the directors and shareholders, it became a serious matter to a few shareholders to find £400 or £500 for the proxy stamps, while the directors paid for the proxies which they issued out of the funds of the company. If he had sufficient influence, he would attack the whole system of voting by proxy, for nothing could be more anomalous than that such a privilege as that enjoyed by the Members of the other House of Parliament should be exercised in reference to the affairs of a private commercial company. A law had been passed allowing electors in the case of the Universities to vote for Members of Parliament by means of voting papers, but no tax was required for those papers; and the proxy papers used in the case of charities also paid no tax, though it was a remarkable anomaly that proxies for the election of the officers of those very charities were subject to the tax. The proxy stamp operated as a great inconvenience, for when a person wanted to obtain one he scarcely knew where to go to buy it; probably nothing less than a law stationer could supply it; and the Excise Department had decided that the use of six penny stamps was not allowable in lieu of one six-penny stamp. The maximum loss to the revenue in consequence of the change which he advocated, would be, perhaps,

£19,500, but the actual loss would probably be much less. Even if it were some £10,000 or £15,000 a year, he thought the sacrifice would not be too great, in order to secure to railway and other shareholders the opportunity of exercising more effectual control over the management of their affairs. He, therefore, begged to move that the Stamp on Proxy Papers, used for the purpose of voting in Public Companies, Associations, and Charities, being a Tax which impeded the exercise of a franchise, might be conveniently reduced to one penny.

MR. HADFIELD begged to second the Motion. He believed that at that moment the sum of £400,000,000 was invested in railway and other joint stock companies in this country, and with the view of enabling shareholders to exercise their right of voting with greater facility, which would infuse more spirit into those companies, he would recommend the right hon. Gentleman the Chancellor of the Exchequer to reduce the amount of the stamp to a penny. He believed that such a reduction would occasion no loss to the revenue, because thousands of shareholders who hitherto had not used the sixpenny proxy stamp would then avail themselves of their privilege of voting through the medium of a penny stamp.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Stamp on Proxy Papers, used for the purpose of voting in Public Companies, Associations, and Charities, being a Tax which impedes the exercise of a franchise, might conveniently be reduced to one penny,"—(*Mr. Darby Griffith,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. DUTTON said, it would not, in his opinion, be expedient to reduce the amount of the stamp, as such reduction would have little influence upon the holders of property of the description to which these stamps applied. He thought, however, that the suggestion of his hon. Friend with regard to the substitution of stamps of another denomination, if adopted by the right hon. Gentleman the Chancellor of the Exchequer, would be a great convenience to shareholders generally.

THE CHANCELLOR OF THE EXCHEQUER said, he had referred to the discussion which took place on this subject towards the close of last Session. It was a matter of secondary importance, as far as finance was concerned, but he thought it was one which the House might well consider with reference to its bearing on another matter which was becoming of increasing weight, he meant the administration of joint stock companies. As the principles of joint stock association spread from one description of business to another, and as those companies were largely multiplied, it became most material to consider the best means for securing the internal order and good administration of such concerns. He was very desirous of being favoured with the views of hon. Gentlemen in that House having practical experience on the subject. He had, on a previous occasion, tendered his acknowledgments to the hon. Member for the manner in which he had brought the question before the House. To-night he had very properly pointed out that there were two distinct matters to be dealt with—one being the amount of the stamp, and the other the increased facility of access to that stamp. He had already taken into consideration, as far as very small stamps were concerned, the possibility of rendering them interchangeable. He trusted, however, that the hon. Member and the House would permit him to adhere to the usual and convenient rule of reserving anything he had to say until he made his financial statement. If that rule were once broken it would lead to other inquiries and cause much inconvenience. He could assure the hon. Member that he was very desirous of dealing in the best manner in his power with the real merits and bearings of the question.

MR. DARBY GRIFFITH said, he would, with the permission of the House, withdraw his Motion.

Amendment, by leave, *withdrawn.*

UNITED STATES—CAPTURE OF THE "TUSCALOOSA."—OBSERVATIONS.

MR. PEACOCKE, who had placed on the paper a notice to the effect, that he would call the attention of the House to the capture of the *Tuscaloosa* by the naval authorities at the Cape of Good Hope, said, that as the papers relating to that subject had not yet been presented, he would postpone any statement he might have to make with respect to it. But he begged to express a hope that those papers, which had been promised some time since, would be laid before the House without any further delay.

The ATTORNEY GENERAL said, that no unnecessary delay would be allowed to take place in producing these papers. The only reason why the House had as yet received no portion of the Correspondence was, that Her Majesty's Government were anxious that it should be published in a complete form.

CHINA—SOOCHOW.—OBSERVATIONS.

COLONEL SYKES said, he rose to call the attention of the House to the following Resolution, passed unanimously at a meeting of the Consuls representing European nations at Shanghai, on the 16th day of December, 1863, at the British Consulate, moved by Mr. Markham, the British Acting Consul, and seconded by Mr. Keswick, Danish Consul—

> "That this meeting, as representing the whole foreign community, views with unqualified disapprobation the late proceedings of the Footai at Soochow as an act of extreme treachery, abhorrent to human nature, calculated to withdraw from the Imperial cause the sympathies of Western Nations, and the aid of the gallant officers who have hitherto assisted them;"

and to ask the First Lord of the Treasury whether, with this renewed instance of perfidy in Imperial officials, it is intended by Her Majesty's Government to pass unnoticed further violations of the instructions of the Foreign Office to British authorities in China, to be strictly neutral in the civil war which has so long raged in China. In November last he received from Soochow a statement to the effect, that a force consisting of 200 men of the 67th regiment, 100 men of the Royal Artillery, and 100 men of the 22nd Native Infantry had left, under the command of Captain Murray, R.A., for Tait-sang; that 200 Beloochees, under the command of Captain Hogg, had also been thrown into Quinsan, that those cities were considerably beyond the thirty mile radius round Shanghai; that the garrisoning of these two cities by the British would enable Major Gordon to advance with almost his entire force from Quinsan to Soochow, and would secure his retreat in the unexpected event of a reverse; and that it was believed that, as the capture of Soochow was considered essential to the tranquillity of Shanghai, Sir Frederick Bruce looked favourably on the conjoint action of native and foreign troops if such should be found necessary. From Hongkong by the same mail he received a communication to the same effect—namely, that British troops had been sent by the General commanding the forces in China—Major General Brown—to places beyond the thirty miles radius, in order to enable Major Gordon to advance upon Soochow. Now, the House had been informed more than once by the noble Lord the Prime Minister, the hon. Under Secretary for Foreign Affairs, and the noble Lord the Secretary of the Admiralty, that the Government had issued instructions to the effect that strict neutrality would be maintained in China beyond the thirty-mile limit from the treaty ports, which it was thought advisable to maintain in order to secure those ports from the effects of the contest between the rebels and the Tartar Government. Moreover, the Members had seen in the China blue-books, the despatches from Earl Russell to Mr. Bruce to the same effect. The moment he received that communication from China, knowing the orders which had been issued from the Foreign Office, and recollecting the statements which had been made on the part of the Government, he addressed a letter to Earl Russell, stating the facts he had mentioned, and intimating at the same time that he should consider it his duty to bring the violation of the orders of the Foreign Office by Major General Brown to the notice of the House of Commons. On the next day—the 23rd of November—Earl Russell acknowledged the receipt of his letter, and his object on the present occasion was to redeem the pledge he had given to the noble Lord. The first remark he had to make was, that the meeting of the representatives of European nations at Shanghai was caused by a horrid butchery, which, accompanied by perfidy, had been perpetrated at Soochow by the Imperialist authorities on the 5th December last. Probably the hon. Under Secretary for Foreign Affairs, who had always been the champion of the Tartar Government, would tell the House that the occurrences at Soochow had been greatly exaggerated in the accounts which had come over, and the hon. Gentleman would probably quote Major Gordon. But he would tell his hon. Friend that Major Gordon did not witness the butchery. Indeed, he had not an opportunity of witnessing it, for he was next to a prisoner when it took place, and he had no means of preventing it, having sent his troops back from Soochow to his head-quarters. Great events sometimes spring from trivial causes, and so it had been on that occasion in China. Had not Major General Brown violated his orders by garrisoning two cities far beyond the thirty-mile radius—one, in fact, being more than forty miles, and the other nearly one hundred miles from Shanghai—Major Gordon could not have withdrawn the whole of his troops from those places to enable him to undertake the siege of Soochow and give assistance to the Imperial General. Without the auxiliaries thus obtained the Tartar General could not have made that impression upon Soochow which led to the surrender of the town by treachery—an enterprize in which he was sorry to say Major Gordon himself took part. From a report of the meeting of the Consuls at Shanghai, he observed that Major General Brown was the chief denouncer of the butchery at Soochow, although, in fact, his own violation of instructions had led to it. At that meeting the Resolution included in his (Colonel Sykes's) notice was carried unanimously. The proceedings of the Consuls he found reported in the *North China Herald*, a paper which had always been an uncompromising advocate of the Tartar Government in most of its proceedings. Under date the 12th of December, 1863, it contained a memorandum communicated by Major Gordon himself, stating that, after the failure of the attack by night on the Low-mum stockade, the Tartar General Ching came to him and said that the rebel chief Lar and other chiefs had opened negotiations for the coming over of their troops. "I consented (says Majo rGordon) to the defections with a good deal of pleasure, as I considered that if the rebels fought we should lose heavily." On the 1st December, after La-wang and other leaders had opened negotiations with the Footai for the coming over of the troops, the Tartar General brought to him (Major Gordon) the chiefs of the traitors, and said he thought the garrison were willing to give the city up to the Imperial Government on condition that their lives and property should be guaranteed. Major Gordon added that he conversed with La-wang, who seemed to have some doubts, from past experience of Tartar perfidy, and told him that it would be an exceedingly acceptable thing to bring together the conflicting parties in China; and, moreover, that the Imperialists were not the people they had been in former days, thus leading the unfortunate chief to believe that any arrangement made with the Footai would be carried out under the guarantee of Major Gordon himself. The Tartar General said it would be very acceptable if the place surrendered, for a great number of men would be lost in attacks on the gates, which were well fortified. But there was a difficulty with the Governor (Mo Wang) who was a man of high distinction and much respected by Major Gordon himself, and who resolved to defend the place. To secure his life, Major Gordon stipulated that he should be placed in his hands as a prisoner after Soochow surrendered. The strength of the position at the Low-mum gate was such, that great loss was anticipated in attacking it. The proposal to evacuate the city was therefore eagerly entertained by Major Gordon and the Imperialists. Major Gordon returned to his quarters before Soochow, when General Ching sent him over two Frenchmen who had just come into the lines from the city, and they said that at 2 p.m. on the 4th of December all the chiefs had been assembled in Mo-wang's palace, and after they had offered up prayers (to the Christian's God it should be remarked), they had sat down to dinner, and subsequently they adjourned to the great Court, where they put on their robes, crowns, &c.; that the Governor mounted his throne and began an address, in which he stated their difficulties. The other Wangs answered him, and the discussion grew higher and higher, till Kung-wang drew a dagger and stabbed Mo-wang in the neck, and the other Wangs seized him and decapitated him, his head being afterwards sent to the Imperialist General Ching. On the night of the 4th, after the assassination of the Governor, Ching's men having taken possession of the gate, the rebels within the city shaved their heads. The House was aware that when the Tartars conquered China they required the population at large, who wore their hair long, as was the practice with the Taepings, to shave their heads and wear the *queue* in token of their submission. Major Gordon went to the Footai, and represented to him the danger of keeping the disciplined Chinese in a state of inactivity, also requesting that, in recognition of their services, a gratuity of two months pay might be given to each inferior officer and man. The Footai refused, but after much wrangling Gordon induced the men to accept one month's pay as a present. This was given to them as the result of Gordon's negotiation in lieu of their alleged right to go in and plunder the city if it had been taken by assault. The troops were then ordered back to Quinsan. On the 5th, Ching announced that the Footai had written to Pekin stating that he had extended mercy to the rebels. The morning after the troops left, Gordon started for the city, sending for his two steamers to meet him, as from information he obtained in Mo-wang's house, he expected to have recaptured the *Firefly*, which had been taken from the Imperialists by the Taepings. He saw the chief conspirator, Lar-wang, and the other chiefs riding in the city to the Deputy Viceroy's camp to make his submission, and he then endeavoured to while away the time till the steamers arrived. From the top of one of the gates he noticed a large crowd near the Imperial General's stockade, where the Deputy Viceroy was staying, but thought the Imperialist soldiers were merely gratifying their curiosity by a glimpse of the rebel chiefs doing obeisance to the Footai. In a few minutes more a large body of men came up, and, passing the gate, rushed cheering into the city, firing their muskets in the air, and yelling. At that moment, the decapitation of the princes was taking place in the crowd before his eyes. In a short time the Imperialist General Ching came to him, and, after much equivocation on Ching's part, Gordon at length became uneasy about Lar-wang (the chief conspirator), and went to his palace. He arrived there after dark, and found it completely ransacked. He entered the house of the prince, who had been butchered, and remained all night, defending himself. His troops were gone, and he was helpless. He tried next day to make his way back to his garrison; he was intercepted and detained an hour as a prisoner; he was then allowed to go away, and from that moment he saw nothing of what took place in Soochow. The House ought to know what did take place. He had in his hand the account, dated 12th December, of a European eye-witness of the Governor's assassination at Soochow. This person's narrative stated, that after the rebel Commander-in-chief, Chung-wang, left Soochow, the Europeans all lived together in the Mo-wang's palace, and were well treated; that on the 4th of December the Mo-wang had invited several of the other wangs to a large dinner, after which it was understood they were to discuss what was to be done; that the Mo-wang had no idea of the treachery which was in store; that he was standing up saying something loud when all at once a man belonging to the Lar-wang party went behind him, and with a long knife which he had concealed up to that time stabbed the Mo-wang in the body; that the chiefs immediately jumped towards the body and cut the head off. He had also a statement from one of Major Gordon's own officers, dated the 14th December. The writer said, that having been at Soochow on the day that "the Viceroy, the type of all that is detestable and infernal, glutted his vengeance on the unfortunate inhabitants, men and women, who had surrendered on terms that should have been held sacred," he felt it his duty to write his regrets at the treachery which had taken place, "dishonouring as it was to the cause for which so many brave and honourable men"—generally Englishmen mixed with other foreigners—"had shed their blood." The writer suggested, as Major Gordon's defence, that the withdrawal of the troops from Soochow totally disabled Major Gordon from preventing what had occurred, and which (as he could show the House) continued to occur for twenty successive days; but the writer forgot that the assassination of Mo-wang, the murder of the confiding wangs, and the commencement of the pillage took place before Major Gordon withdrew his disciplined force, and he therefore rendered himself powerless. The *North China Herald*, speaking of the horrors of Soochow, said—

> "During the campaign of the last two years against the rebels of this province the Imperialists have availed themselves of every opportunity of gratifying their taste for indiscriminate slaughter which was ever found among uncivilized nations."

That remark came from the organ and agent of Her Majesty's diplomatists in China, and hitherto the friend of the Imperialists. The account then went on to detail the facts as they had occurred. It added—

> "We believe, however, that the recent events in Soochow have cast an indelible stain on the Chinese as a nation, and this was the more to be regretted because, up to the time of their occurrence, an English officer was in command."

Finally, it was stated that guns and ammunition had been freely supplied to the Imperialists by the English and French authorities. In a word, everything that could be done by one nation for another was done by the English and French for the Chinese. The British Government at home, notwithstanding its professed neutrality, had not been less ready than its agents abroad, as the House had learnt the other day that three vessels out of English dockyards had been sold at a loss to the Chinese Government. What! After the declarations of neutrality and in spite of the instructions from the Foreign Office? Yet our aid ended in "indiscriminate slaughter." Nor was the account thus given exaggerated. Another eye-witness in an account of a visit to Major Gordon's camp, stated that it pained him to see the artillery, which the British had lent, were in position before the walls of Soochow. He then confirmed in detail the accounts of the treachery and butchery. The writer visited the Mo-wang's palace. On the stone steps of the reception hall lay the body of the truly brave and noble-minded Mo-wang; his head was outside the city in the hands of Ching. On raising the cloak that covered this body a stab was seen in the stomach and nine in the back. The writer added that the fate in store for the other wangs, one could not but think was a just retribution for so cowardly an assassination of one who had gained the respect and admiration even of his enemies. The same officer described how

> "Ching's brave celestials ran to do their cowardly work of slaughtering unarmed men. Those who came down the street to leave the city were stopped by the guards and looted. If resistance was offered there was work for the knife and sword. May the Footai have a miserable end for being the author of that cowardly act!"

Several fires were then raging. That was on the 5th of December. He (Colonel Sykes) had the account of another visitor to Soochow on the 26th of December, twenty-one days later—

> "We mounted the great tower, one of the finest in China, and we saw in many places the flames and smoke ascending from numerous burning houses."

So that, in fact, the burnings had gone on from the 5th to the 26th, while Major Gordon's force was lying inactive at Quinsan, within twenty miles. Soochow was another Venice, many streets having a canal, affording defensible positions. The walls extended twenty miles in circumference. Another account, dated Shanghai, January 2, is in fact a diary running over some weeks. The author says—

> "The country is generally untenanted, but the crops raised by the Tacpings were in a flourishing condition, and, of course, very acceptable to the Imperialists."

The author had an interview with the Secretary of the Footai, in the palace of Chung-wang, the Taeping general. He found the house had not only been looted, but the valuable furniture it contained had been literally smashed to atoms by the Imperialist soldiery. He expressed his indignation at the treachery that had been perpetrated, upon which the Secretary replied he knew that the conduct of the Footai would be approved of at Pekin. And so it has turned out, for the Footai has had conferred upon him the yellow jacket, which raises him above all other mandarins, and gives him great distinction and authority. On the walls of Mo-wang's palace the author found a series of pictures representing the sad journey of Jesus from the house of Pilate to the place of his crucifixion, known in Catholic countries as the "Eight Stations;" as well as other evidences of Christian associations, and some English books. On the 20th of December he went to the Padi-cho gate, where he saw the pieces of heavy artillery just outside, which must have been lent by Major General Brown in violation of his instructions from home.

> "We looked," he said, "with regret upon those splendid 'peacemakers,' that they should have been loaned to the butcher of Soochow, being the property of the British Government."

The author describes also the execution ground of the Taeping chiefs, and their followers—

> "The ground was soaked with human blood, and the creek forming the drain of the ground was still, after twenty days of slaughter, reddish with blood, as the officers of Dr. Macartney's force can testify."

The author adds—

> "Our Chinese informant told us that 30,000 rebels had been led to these shambles."

He had now given the House in detail an account of the treachery and butchery practised by the Tartar authorities at Soochow, which had excited the indignation of all the representatives of foreign nations at Shanghai. He had also shown how those horrors had occurred, consequent upon the violation of his instructions by General Brown, who, by garrisoning Taitsan and Quinsan, had enabled Major Gordon to attack Soochow, without whose aid the Footai would not have had an opportunity of perpetrating his butchery. The House might, perhaps, think that these horrors were not premeditated, but resulted from the force of circumstances; but he assured the House that it was not so, but that such proceedings had ever characterized the Tartar rule in China. The Jesuit Martini, who was in China at the time of the Tartar conquest in 1645, stated, that after the first capture of Canton 100,000 persons were put to death, and it is stated that the Viceroy Yeh, who had been our prisoner in Calcutta and died there, while ruler at Canton had beheaded more than 60,000 people. When we more recently took possession of Canton we found in the execution ground a cross, to which criminals were fastened, and then hacked into pieces. That cross was of course removed under British rule, and while we remained in possession of the city, executions were conducted in a less horrible manner. When, however, we ceased to exercise control in Canton the cross was restored, and all the former atrocities were renewed. The House had no doubt a painful recollection of the treachery which led to the murder of Brabazon and Bowlby, and the tortures to which their companions were subjected on their way to Pekin. Neither would they forget the seven Taeping prisoners who were fastened to stakes, and who had arrows with little flags attached to them stuck in their bodies, and who were left exposed all day to the sun, and in the evening hacked to pieces within a short distance of the British camp at Wy-con-sin; the details of which are given in the *North China Herald*, dated 13th June, 1863, and which caused the indignant inquiries of the Bishop of Victoria. A gentleman of credit, recently arrived from Amoy at Shanghai, published the case of an old man and his wife who were accused of robbing a man to whom they had given a lodging. In spite of their denials they were condemned and executed, the old man being nailed hands and feet to a cross and left to die, the narrator adding that he saw the poor creature alive on the fourth day. The woman was put to death under circumstances too horrible to be detailed. The editor of the *Friend of China* described his visit to a prison in Shanghai, in January last, where he found in the yard the body of a man fastened to a stake, where he had been left in torturing agony. All these examples proved that the treachery at Soochow was not an accidental occurrence, but in keeping with the ordinary habits of the Tartar Government; and yet that was the Government which this country had been supporting with her blood and treasure, and on behalf of which we had imperilled our national honour. What must be the effect of such proceedings upon our unfortunate countrymen who were serving such a Government? In the five regiments under Major Gordon there were perhaps 180 Europeans. The effect of constantly witnessing such horrors committed by the Government they were serving must necessarily be to brutalize their minds and to destroy all humane and Christian feeling among them. In conclusion, he would ask the noble Lord at the head of the Government, whether, with this renewed instance of perfidy and cruelty in Imperial Tartar officials, it was intended by Her Majesty's Government to pass unnoticed further violations of the instructions of the Foreign Office to British authorities in China to be strictly neutral in the Civil War, which had so long raged in China?

VISCOUNT PALMERSTON: Sir, upon the general question I cannot entirely concur with my hon. and gallant Friend, because my opinion is that it is for our interest that the rebellion should cease, and that the authority of the Imperial Government should be maintained and re-established in China. It cannot be for the advantage of those who trade with China that the country should be in a state of civil war. If there were any possibility that the rebels would succeed in overthrowing the Imperial authority and in establishing some other Government in lieu thereof, then there might be a choice between the two Governments; and persons, according to the views they took, might think it desirable or not that the present dynasty should be maintained, or the rebel authority established in its place. But there is no chance of that. The rebellion has not within itself any elements either of organization or of success, and therefore I think it is very important for the commercial interests of this country as connected with China, that order and peace should be re-established there, that commerce may revive, and be carried on without impediment. It was with that object that permission was given to Captain Osborn and Mr. Lay to organize a naval force for the purpose of co-operating with the Imperial troops. With that view an Order in Council was passed permitting British subjects generally to enter into the service of the Emperor of China. Unfortunately, neither of those arrangements has answered its purpose.

The expedition under Captain Osborn is returning to this country; that gallant officer, having had a difference with the Imperial Government, has felt it to be his duty to retire from the service of that Government. One Order in Council was passed to authorize that expedition; the other Order in Council, authorizing generally British subjects to enter the service of the Chinese Government, has been taken advantage of only by Major Gordon and one or two other persons. The expedition under Captain Osborn having entirely failed, that Order in Council has been revoked, and as the conduct of the Chinese officials has been so disgraceful, as stated by my hon. and gallant Friend, the other Order in Council has also been revoked, leaving it, of course, to the discretion of the Crown, according to its standing prerogative, to grant, if it should think fit, permission to individuals to enter into the service of the Emperor of China, upon application duly made in each case by the individual. Nothing can be more abhorrent to our feelings or deserving of condemnation than the conduct of the Footai at Soochow. I am afraid we must admit that all nations have their faults, and there are two faults which must be matter of reproach to the Chinese —one is cruelty, and the other is perfidy. They certainly have shown, on this occasion, most lamentable instances of both. We do not know exactly what was done in consequence of that barbarous act of treachery. Major Gordon, according to our accounts, was only waiting to know what course the Imperial Government would take He had made a representation to Sir Frederick Bruce, who, no doubt, would truly represent to Prince Kung the abominable conduct of the Footai. The result of his representation is still unknown, but we hope for the honour of humanity that adequate punishment will be inflicted upon the Footai for his barbarity upon that occasion—an act which we are entitled to resent, because Major Gordon was made the unwilling instrument to lure these people into the power of the Footai, and was of course, so far, an instrument in their barbarous execution. Not only shall we endeavour to prevent any further acts of the sort, but we shall make strong representations with regard to that particular act of treachery. At the same time, I can only repeat that Her Majesty's Government deeply lament and indignantly condemn the conduct of the Footai, but that we do not know as yet what the Chinese Government have done. There are some papers relating to the subject which will be ready in the course of a few days, and it is far better, as the Government are in possession of information, that that information should be laid before the House.

MR. WHITE said, that the announcement just made with regard to the Orders in Council was very satisfactory as far as it went. He presumed that if permission were given in future to British subjects to enter the Chinese service, it would be only for the purpose of training Chinamen to a knowledge of military tactics, and not of taking personally any part in the war. The policy of Her Majesty's Government in reference to the civil war had excited the astonishment of those who were acquainted with the Chinese, and these persons declared that the Government had not adopted in China the principle of non-intervention which they took so much credit for upholding on this side of the Cape. Whatever the acts of the rebels had been, it was evident that the Imperialists were not one whit superior to them in their conduct of the war. The late transactions showed what disgrace and dishonour might be brought on the British name by the unfortunate permissions granted by Her Majesty's Government. He thought that Government would do well to follow out the principle of non-intervention in those matters. He did not gather from the noble Lord's observations whether the Government meant to adhere to that principle, or whether the troops at Shanghai were to be sent beyond the thirty-mile radius. But he was satisfied that if it had not been for the inopportune course of action taken by the Government, that portion of the Chinese empire to which we had access would now be in a state of flourishing prosperity. The Taeping rebellion was successful until it came into contact with British power. The wish of the rebel leaders was to be on friendly terms with us, and not to injure British interests. When they sent to tell us that they meant on a certain day to take Shanghai, asking the British authorities there to adopt the necessary measures for the safety of Europeans, no fighting would have taken place but for our troops, for the Imperialists would have withdrawn, and the British forces would have protected the British settlement. The rebels, however, were driven back by our troops; yet, to show their friendly feeling towards us, no violence was offered to the many English merchants who were at that time within the rebel lines, carrying on their trade and having large sums of money in their possession; and although the rebels had been repulsed from before Shanghai by our shot and shell, not one of these merchants was harmed, and not one penny of their property was touched. He thought it evident that the policy of Her Majesty's Government in China had hitherto been strikingly detrimental to British interests; and his belief was, that but for our injudicious interference, that part of the country to which our trade was chiefly confined, instead of being in a state of anarchy, would be by this time prosperous and peaceful.

Mr. KINNAIRD said, he could not agree in opinion with the hon. Member as to the policy to be adopted by Her Majesty's Government. The policy which was sanctioned by the Government was one for the protection of the ports, and in carrying that out they took the best means to secure British interests. He regretted the terms in which reference had been made to Captain Dew. In his opinion the service had not a braver or more able officer.

UNITED STATES—THE CONFEDERATE CRUISERS.—PAPERS MOVED FOR.

Mr. SHAW LEFEVRE said, he rose to call the attention of the House to the course pursued by the agents of the Confederate States of America in fitting out vessels of war and enlisting seamen in the ports of this country, in violation of the laws of neutrality. He hoped he should not be considered as obtruding himself on the notice of the House in bringing before it a subject of so much importance. He should not have ventured to do so had he perceived that any other Member was prepared to present the subject from the point of view which, in his opinion, the House should view it. He did not propose to re-open the question of the detention of the iron-clad rams, nor to discuss the meaning of the Foreign Enlistment Act. He intended to point his observations not at the offenders against that Act within the jurisdiction of this country, but at offenders beyond that jurisdiction, for whose benefit and by whose direction the Acts we have to complain of were done. He should show, beyond all question, that the authorities and agents of the Confederate Government had deliberately and systematically violated our neutrality by fitting out hostile expeditions from this country to make war upon our allies, to cut up the commerce of the United States; and he should maintain that it is our right, our duty, and our interest to take such steps as would vindicate our neutrality, and prevent the possibility of a recurrence of such acts. The papers before the House and before the Congress of the United States proved that the Confederate Government had for the last two years been occupied in building vessels of war in this country; that they had sent over several officers to superintend them, had raised money for the same purpose, had enlisted seamen in our ports to man them, and had in too many cases been successful in sending out these war ships. They had, at the present moment, but five vessels of war on the high seas; of these four were built, armed, and manned in and from this country, and the fifth, the *Tuscaloosa*, being a prize of the *Alabama*, was affected by the same taint. The first vessel sent out by the Confederates was the *Florida*, which left Liverpool early in 1862. That vessel was undoubtedly commissioned in this country by the Confederate Government. He should not have dwelt upon that point had it not been for the observations made the other night by the hon. and learned Member for Belfast (Sir Hugh Cairns). That hon. and learned Gentleman had said that that vessel had undergone a judicial investigation, which showed that she was free from any suspicion of being a Confederate war vessel when she left this country. Such might have been the result of the investigation, but he submitted that the papers which had since been published in the United States and in this country showed conclusively that at the time she left England she was a vessel commissioned by the Confederate Government. On the 12th of July, 1862, Mr. Mallory, Secretary of the Confederate Navy, wrote from Richmond the following letter to Captain North, of the Confederate naval service, who was then in London:—

> "Sir—The department notified you on the 11th of January last that you would receive orders to command the second vessel then being built in England, but for reasons satisfactory to the department you were subsequently assigned to the command of the first vessel, the *Florida*, now at Nassau; and any just ground for the surprise and astonishment in this respect at the department's action is not perceived. A commission as commander for the war was sent you on the 5th of May, and your failure to follow the *Oreto*, which left England about the 21st of March, and to take command of her as was contemplated, and as you were apprized by Captain Bullock on the 26th of March, is not understood, and has been productive of some embarrassment."

From the same papers it would be observed that, as early as the 11th of January, 1862, Captain Bullock was employed in Liverpool by the Confederate Government to superintend the fitting out of two vessels of war. One of those vessels was the *Florida.* She left this country on the 2nd of March, and proceeded to Nassau, where she underwent the judicial investigation. Now, although there was no evidence before that court upon which she could be legally condemned, subsequent events showed what was her real character. She took in her armament at Nassau, and hoisted the Confederate flag on leaving that port, and ever since she had been preying on the commerce of the United States. The other vessel referred to in the letter of Mr. Mallory was, no doubt, the *Alabama,* or "290," which was built by the Messrs. Laird, of Birkenhead, and left this country on the 1st of July. A month before she left, the Commissioners of Customs at Liverpool wrote to say that she was in every respect a vessel of war, a fact not denied by the builders, though they would not give the name of her owners. He would not go into the question why she had not been stopped by Her Majesty's Government, as that would come before the House on a discussion of the claims made by the Government of the Federal States in respect of the vessel; but it was, in his opinion, a very great misfortune for this country that she had not been stopped. He thought the Government ought in her case to have adopted the course which they afterwards followed in the case of the steam rams—that they ought to have detained her on suspicion. He had, however, no doubt that at the time the *Alabama* left Birkenhead, neither the Government nor the country duly appreciated the importance of stopping such vessels. When she left Birkenhead in July she had a party of visitors, including the Messrs. Laird and several ladies, on board —the pretence being that she was going on a trial trip—but she subsequently evaded the Custom House officers, and forfeited her bonds. The hon. Member for Birkenhead had aptly described her course in saying, "she sneaked from the country as a fox leaves the cover scenting the hounds." She had a crew of 50 men, whom she took on board in Beaumaris Bay; and afterwards, at Terceira, met two vessels which brought her armament, the remainder of her crew, and her future commander, Captain Semmes, who re-enlisted the crew, and the Confederate flag was hoisted. Though the farce the vessel went through at Birkenhead and Terceira might have baffled the authorities, when hon. Members looked back at all the circumstances they could not doubt that from the first this was a Confederate vessel. The *Alabama* had been ever since that time occupied in burning and destroying commerce. She had not followed the ordinary course of sending her prizes into port for condemnation, nor had she confined herself to burning American property. She had also destroyed British property on board American ships. She even had destroyed a British vessel — the *Martaban* — off the Straits of Malacca. The latter was originally an American vessel, but had been transferred to the British flag. He mentioned these facts merely to show the lawless character of the operations undertaken by the *Alabama.* Before the *Alabama* left this country, the Messrs. Laird had already commenced laying down the two iron rams which, after producing a most profound feeling of suspicion and alarm in America, had been seized by our Government in October last. He would not go into the question whether these vessels had been lawfully detained or not; but this he would say, that not one hon. Member who spoke on the discussion on the subject a few nights ago, ventured to assert that they were not intended for the Confederate Government. The hon. Member for Birkenhead (Mr. Laird) was in his place during that discussion, and he could have thrown every light on the subject; but he was silent. He did not think, therefore, he was wrong in concluding that these rams were intended for the Confederate Government. A few months after the date of the sailing of the *Alabama,* a correspondence of that Government which had been found in a blockade runner, fell into the hands of the Federal Government, and was forwarded to our Government. The correspondence was dated October, 1862, and showed conclusively the nature of the plans of the Confederate Government, and the organized system which they carried out in this country. On the 27th of October, 1862, Mr. Mallory, Secretary of the Confederate Navy, wrote to Mr. Memminger, Secretary of the Confederate Treasury, in these terms—

> "Sir,—I have the honour to call your attention to the copy of the recent joint resolution of Congress which was sent you on Saturday. . . . . Under this authority, contracts have been made with Mr. George W. Sanders, by this department, for six ships, to be paid for in cotton, a copy of which contract is herewith enclosed."

On the 30th of October, Mr. Memminger wrote to Mr. Mallory—

> "Sir,—I approve the suggestions made by you of making your contracts for building iron-clad vessels in Europe conform to the arrangements of the cotton certificates sent to the Hon. T. M. Mason. I enclose a form of each of these certificates. Upon the meeting of Congress an appropriation must be made to meet your contracts. . . . The only limit to these combined operations will be the quantity of cotton which the Government can purchase, which I hope will be found ample."

The next letter of the same date was from Mr. Mallory to Mr. Mason, who at that time represented the Confederate Government in this country—

> "Mr. Sanders has, as you are aware, contracted with this department for the construction in England of six iron-clad steamers, combining the capacities of freighting and the fighting ships in a manner which will enable them to force the blockade of our ports. The interests of the country will be much benefited by the prompt construction of these vessels; and I beg leave to invoke your interests, not only on behalf of enterprises already in progress, but in behalf of this also."

In a letter from Mr. G. W. Sanders it was observed—

> "Bunglers entering the European market might endanger the whole scheme. Great skill and diplomacy must be exercised to avoid the interference of European Governments."

And in a letter unsigned, but directed to Mr. Mallory, and enclosed to Mr. Mason, this passage occurs—

> "I am satisfied that with the professional knowledge of these gentlemen (Commodore Forrest and Commander Sinclair, who are mentioned as being sent to England), we cannot fail to subserve our interests, and render high and important service to our cause, both in superintending and constructing the vessels built to cut up the enemy's commerce."

It appeared that some of the vessels mentioned in the correspondence were to be built at Glasgow, and others at Liverpool, and that officers were appointed to superintend what was being done in those places. Fortunately the iron rams building in Liverpool and Glasgow had been seized by the Government. The *Alexandra* had also been detained, but the *Japan*, afterwards called the *Georgia* or *Virginia*, got off much in the same way as the *Alabama*. She was built at Glasgow, and sailed on pretence of making a trial trip; she shipped her crew at Greenock; and afterwards, on the high seas, somewhere between Alderney and Brest, a similar farce to that enacted in the case of the *Alabama* at Terceira was gone through, and she became an avowedly Confederate vessel. A prosecution was pending against a Mr. Jones for recruiting men for the *Georgia*, and he could not but presume, therefore, that there was very strong evidence before the Government showing that the *Georgia* from the time she left this country belonged to the Confederate Government. It was discovered that two other vessels were building in Glasgow—the *Pampero*, which had been stopped, and therefore he would not further allude to the case; the other had since been sold to the Danish Government. Then there was the *Rappahannock*, formerly called the *Victor* in the Royal Navy, a vessel which had been sold by order of the Admiralty. She had been bought by Confederate agents in Sheerness. She was actually fitted out in one of Her Majesty's dockyards, and the day on which the Government got an intimation of her destination, she left Sheerness in an unfinished state. She hoisted the Confederate flag within sight of Sheerness dockyard, and went over to Calais, where she claimed admission, on the pretence of being injured at sea, and requiring repairs. A large number of men had been enlisted in this country for that vessel, and a prosecution was pending on that account. He thought there could be no doubt that she was a Confederate vessel. About 100 men had been sent over to Calais to her; but as she had at present only eight men on board, and as he was informed these were all confined in irons, there seemed to be not much chance of her sailing. That circumstance did not, however, make the offence of the Confederate Government the less. He did not think it necessary to say anything about the report of Mr. Mallory, the Secretary of the Treasury, quoted in that House by the hon. and learned Attorney General; for he did not think it added much to the facts already before them. The genuineness of that report had been denied by Lieutenant Maury; but that gentleman, who was himself employed here in superintending the building of vessels for the Confederate Government, had not said that the facts mentioned in Mr. Mallory's account were not true. Another vessel had escaped from the Clyde, but she was driven on shore by the blockading squadron before she could do any mischief. Four Confederate vessels had escaped from this country and four had been detained. He was right, therefore, in saying that there had been an organized scheme on the part of the Confederate Government to send men over here and carry on operations for the purpose of building and manning these vessels in the ports of this country, and sending them out as privateers. That scheme was a gross violation of our neutrality and an evasion, if not a breach, of our laws. He had the authority of a writer on international law for saying that an evasion of the laws of a country by the Government of another country was quite as bad as a direct breach of them. The result of the operations of these four vessels on American commerce had been the destruction of 187 vessels and upwards of £3,000,000 worth of property. For that purpose they had gone over the seas, burning and destroying. They had never attempted to send their prizes into port for condemnation in prize courts, according to the law of nations and the usages of war; they had made a constant practice of flying the British flag for the purpose of decoying and destroying innocent merchant vessels; they had made use of British ports, they had been coaled from British ships, and in every respect but one they were virtually British ships. They were armed by Englishmen, built by Englishmen, manned by Englishmen, coaled by Englishmen, paid for by money raised in England, and the half-pay of many of their men was regularly paid in English seaports. They had a few Confederate officers on board, and they had received Confederate commissions; but in everything but a technical point of view they were essentially British ships. He was not aware whether any question had been raised as to what would be their position since the Declaration of Paris, but in his opinion they were privateers—and British privateers. It was a farce and a sham to call them Confederate men-of-war. Looking through the correspondence laid before Parliament, it must be allowed that Her Majesty's Government had endeavoured honestly and in good faith to carry out the Foreign Enlistment Act, though it was to be regretted they had not detained the *Alabama*. The insufficiency of that Act, however, was so complete, that something more ought to be done to prevent these breaches of neutrality. In his opinion we ought to go direct to the Confederate Government. [Lord ROBERT CECIL: Hear!] He had shown that that Government had entered into a direct conspiracy, and had sent agents over here for the express purpose of breaking our neutrality and evading our laws, and we ought to go to them and say, "We will stand this no longer; we have acknowledged you as belligerents, and as belligerents you have duties as well as rights, and unless you desist from these violations of our neutrality we will take some other measures to stop these vessels." He did not propose direct hostilities, but there were other ways in which it could be done. The Confederates were not entitled to do wrong because they were not recognized as a nation. There was no greater difficulty in dealing with a Government which had not been recognized than there was in dealing with a country with whom we had broken off diplomatic correspondence. From the very first we ought to have prevented these ships from coming into British ports. In 1794 the American Government, although great sympathy for France was felt at that time by the American people, did not content itself with passing a Foreign Enlistment Act and dismissing M. Genêt, but it dismissed all the French privateers from its ports and told them not to return. If we had taken that course long ago we should have deprived these vessels of most of their opportunities of doing mischief. Another course we might adopt would be to say to the Confederates, "We have evidence of your plans, and unless you desist from them we will send our cruisers and take these vessels." In so doing we should only be following the precedent of the Duke of Wellington's Government, which sent out cruisers after an expedition which had been despatched from our shores to Terceira by some Portuguese in this country —a step which was afterwards defended in that House on the ground that our neutrality laws had been fraudulently violated. Thirdly, we might say to the Confederate Government, "We have acknowledged you as belligerents, but only for so long as you observe the law of nations; if you do not we shall withdraw that recognition, and your ships will then sink into the character which properly belongs to them"—that of pirates, he apprehended. There could be no doubt that they had broken the law of nations, for no belligerent had a right to send out hostile expeditions from a neutral country without the consent of that country. It was our duty to the American Government—not, perhaps, a perfect duty, such as they could call upon us to perform, but morally binding—to take some steps for the purpose of putting a stop to the violation of our neutrality. The conduct of the American Government towards us in 1794, and during the Crimean war, had been deservedly praised. An impression had got abroad that vessels had been fitted out for Russia, and particularly one —the *Maury*—in American ports, but it was a complete error. Looking at the facts, it was distinctly and conclusively shown by the evidence given in the course of a judicial investigation, that the *Maury* never was intended for the Russian Government; and the merchants of New York held a meeting, at which they came to a resolution expressing their dissatisfaction that the owners of the *Maury* had not been compensated for the litigation they had had to undergo, nor any apology made for the imputation thrown on them, which, "if it had been true, would have rendered them for ever infamous." He doubted whether the shipbuilders of Liverpool and Glasgow were of that opinion, but he commended the sentiment to their attention. Considering what might be our position in any future war, it was certainly to our interest to take some steps. Supposing we were at war with Germany, he was afraid they would see German privateers fitted out in American ports. There, as here, the law could be evaded, and he feared that there would no longer be the same feeling of honour among New York merchants which they evinced during the Crimean war. Hundreds of American merchants, who had been losers by the Confederate vessels, were yearning for the first opportunity of fitting out privateers to prey on British commerce. One of the first vessels which the *Alabama* burnt was an American vessel which had been sent with a cargo of corn as a present to relieve the distressed operatives of Lancashire. She was burnt on her return voyage, and the House could well imagine what were the feelings of the owners of that vessel and other New York merchants when they heard of such an act. It was only the other day, when we were supposed to be on the verge of a war with Germany, he saw it stated in the papers that some of the German States, who were not parties to the Treaty of Paris, and who had no ports, no navy, no seamen, and no flag, were prepared to adopt the principle of the *Alabama*, and to fit out privateers in neutral ports. They might send out privateers manned by American seamen, and flying a flag unknown to nautical men, in the same way as the *Alabama* and other vessels. It was therefore not only right, but our interest to do all we could to prevent such ships issuing from our ports. He had shown the insufficiency of the municipal law, and he contended that the Government ought to go to the fountain head to put a stop to these proceedings. There was no need of Envoys or Ministers for that purpose. If the Government would only state in that House the course which they intended to take, it would, no doubt, be reported to the Ministers of the Confederate States, and a temptation would be taken away from Glasgow and Liverpool shipbuilders which they were little able to resist. He made his Motion from no hostility to the Government. He believed they were actuated by a sincere desire to carry out the policy of neutrality, which had been approved by the country, and he hoped to hear that they had taken steps to remonstrate with the Confederate Ministers, or Confederate agents, with a view to putting a stop to such proceedings. The hon. and learned Member concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of any Correspondence between Her Majesty's Government and the Agents of the Confederate States of America, relative to the building and equipment of ships of war in this country,"—(*Mr. G. Shaw Lefevre,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord ROBERT MONTAGU: It is too early and the House is too thin for the learned Solicitor General to reply to the speech we have just heard, and therefore I rise to address the House, hoping that in the meantime some other hon. Member will be prepared to prolong the discussion, so that there may be a full House when the hon. and learned Gentleman replies. The hon. and learned Gentleman who has just addressed the House has referred to the Foreign Enlistment Act, and it appears to me that Her Majesty's Government cannot be aware what is covered by that Act. They have still to learn that; for we have had but one trial under it in this country, and that one has not been decided—that of the *Alexandra*. The Americans, however, have had several. Yet it is only by the decisions of the Courts that the scope of an Act can be determined, and in this case our only precedents are those of American Courts. The hon. and learned Gentleman seems to have misunderstood what took place in America when their Foreign Enlistment Act was passed in 1794. M. Genêt was sent from France to fit out privateers in America against Great Britain. Washington sent down a message to Congress to have them stopped. Jefferson was then Minister for Foreign Affairs, and brought in the Foreign Enlistment Act, which was passed. The hon. Member said Her Majesty's Government should have seized the *Alabama* and the other ships before they left this country, and his argument in support of this position was—see what the Americans did in 1794, when France wanted to equip privateers there for the purpose of using them against England. But what did the American Government do? Why, they merely sent the privateers away—they did not detain them—they made them all put to sea. So that the argument (that the *Alabama* and others should have been seized,) seems rather suicidal, according to the hon. Member's own account. The American law is, that American citizens shall not be allowed themselves to fit out privateers, nor be concerned in equipping expeditions against a country which is at peace with America. That is the very case in point, and I ask you, whether you can show that those who built and fitted out the *Alabama* and *Florida* intended to commence hostile expeditions against America? Not at all. They built them as commercial speculations, as I believe, and the hon. and learned Gentleman has failed to prove otherwise. He has alluded to the American law upon this case, and has quoted the *Terceira* case. There are other cases besides that. There is the case of the *Santissima Trinidad*, for instance, which was fitted out, armed, and equipped in America as a vessel of war, and was laden with munitions of war. She sailed from an American port with the ostensible object of going to the north-west, but she went to Buenos Ayres. She was seized, tried, and acquitted. Judge Story, one of the greatest American lawyers, in his able judgment, said it was not contrary to the Law of Nations or the American Foreign Enlistment Act, to send out armed ships as well as munitions of war, to foreign ports for sale. There is also the case of the *Bolivar*, another vessel, which was fitted out as a privateer, armed, and equipped by Americans. She was sent to sea and seized, and afterwards tried and acquitted, the learned Judge before whom the trial took place holding the same opinion as Judge Story, that a vessel might be fitted out, equipped, and sent to sea, because it was a mercantile adventure, and not an hostile act. The law, said Judge Thompson, does not prohibit this, even in the case of vessels built manifestly for warlike purposes, unless it can be clearly proved that the owners intended to commit hostile acts with them. Our Foreign Enlistment Act is a municipal law, it appears to me, and does not apply to other nations. It is only a law of our own, and was framed to give the Government the power to protect our own neutrality. It is, in fact, to prevent our people from levying war against other nations, that being the prerogative of the Queen alone. It was not intended to interfere with commercial speculation. War is supposed to animate the trade of neutrals. And as you may sell shot and powder, why not ships, even when they are actually armed and equipped? Any person may build a ship without intending to commit a hostile act against the North or South, and sell it to the first person who chooses to give the price for it. Surely that is not a hostile act. He sells the ship and gets for it that which he values more than the ship—namely, money. He therefore does not choose one side and give assistance to that belligerent. It is merely a commercial speculation. I do not suppose that the hon. and learned Attorney General could, upon those grounds, have advised Her Majesty's Government to seize the *Alabama*. As to the damage she is doing to the North American commerce, does the hon. and learned Gentleman imagine that the North American Government can establish claims on us on this ground, and go on multiplying and increasing these claims for all that the *Alabama* has burnt or will burn from this day till she is destroyed? If we are answerable for the *Alabama*, we must have a remedy. But how can we have a remedy against the Southern States until we recognize them as a nation? It seems to me that it is the Federals who are bound to stop the depredations of the *Alabama*. Why, have they not a ship quick enough to catch her, and strong enough to destroy her? It is, I contend, to them that the hon. and learned Gentleman should apply, and not to Her Majesty's Government. I have troubled the House with these few remarks, hoping that other hon. Members will follow and express their opinion upon the question. It appears to me the hon. and learned Gentleman has totally and entirely failed to make out his case.

MR. BAXTER said, he had not intended to take any part in the discussion, but having been invited to do so by the noble Lord the Member for Huntingdon, he must say, that to his mind a speech more marked by force of expression and continuity of argument than that of the hon. and learned Baronet the Member for Reading they had not often heard in that House. The noble Lord treated the matter as a mere question of municipal law, intended to prevent Her Majesty's subjects making war against friendly Powers, but altogether ignored the higher and greater principle of international obligation.

Lord ROBERT MONTAGU: On the contrary, I distinguished the Foreign Enlistment Act from international law.

Mr. BAXTER continued. He understood the noble Lord's argument to be, that unless it was proved that the Foreign Enlistment Act was broken, the Government ought not to take any steps against any of these ships. Irrespective of the mere wording of the Foreign Enlistment Act, we had a duty to fulfil to the other nations of the world, and Her Majesty's Government deserved the thanks of the country for taking the steps they had lately done. He deeply regretted that the *Alabama* was ever allowed to go to sea, and he honoured Earl Russell for those words in his despatch which had been so much sneered at on a former evening. The escape of the *Alabama* was certainly a scandal. At first, he believed, the eyes of the country were not opened fully to the danger of permitting vessels of such a character to issue from our ports, although, in times past, we never had tolerated such a system ourselves, and if it were sanctioned in future, the effect must be to set the world in flames and put an end to all friendly intercourse between nations. The feeling of sympathy entertained for the Confederates, merely because they were the weaker party, had prevented many from seeing the matter in its true light, and they rather laughed at the escape of the *Alabama* and her subsequent career; but those very persons now recognized how deeply our own commercial interests were involved in such transactions. The noble Lord the Member for Huntingdon poohpoohed the remedies suggested by the hon. Member for Reading, and ascribed to him a proposal that we should go to war with the Confederates—a course directly the reverse of what he had really advocated. We might very fairly adopt one of the suggested courses, because at that moment the Confederates had paid agents in the country superintending the purchase and building of ships for that country. He rejoiced that the Government had at last awakened to the full importance of the question, and in stopping the steam rams on the Mersey, they had performed a great public duty. It was idle to urge that these vessels might have been built purely as a commercial speculation. Avowedly and confessedly, they were built for the Confederate States; and no hon. Member had been or would be so foolish as to insinuate a doubt on the subject. That being so, Her Majesty's Government would have been wanting in their duty had they allowed the taunts of political opponents, or the representations of interested shipbuilders, to divert them from the course they believed necessary to the honour of England, which was certainly for the interest of England, and which, he believed, a Court of Law would ultimately approve.

Mr. P. A. TAYLOR said, the country attached the greatest importance to the maintenance of a course of strict neutrality, but the main element of neutrality was impartiality. Expressions, however, had been made use of from time to time in debate which he would not say encouraged the breaking of the law, but certainly tended towards a stretching of the law. To use a common phrase, we had declared that the South might steal a horse, while the North would not be allowed to look over the hedge. When the war broke out both parties considered that we should give them our support: the North because we were opposed to slavery, and the South because cotton was king. But both had been disappointed. And what since the war had been the attitude of the two parties towards England in regard to her rights as a neutral? The Federal Government had behaved most loyally towards us. The House had been told by the Attorney General, that he was not aware of any decision in the American prize courts which did not bear on the face of it signs of an honest intention to fairly administer the law. That testimony possessed all the more force, inasmuch as the British Government was not at first influenced in favour of the Northern States, as was clearly made manifest from time to time. The Government had, however, ventured to take a more honest course, evidently led by the necessity for upholding the honour of England and by a regard for the future security of the country when hereafter she would no longer be a neutral, but a belligerent. The tone, he complained, which had characterized some of the speeches in that House with respect to the United States was unfair and impolitic, while sufficient allowance had not been made for the provocation received by them. He put it to hon. Gentlemen, what would they think, supposing we were at war with France, and a vessel, built in an American port with American money, manned by American seamen, and all but equipped under the American flag, were let loose upon our commerce? Would time have been given for explanation or negotiation, or would there not rather have been an immediate declaration of war? What made the case more exasperating was, that a hon. Gentleman, associated or connected with the builders of such a vessel, actually got up in that House and boasted of the building of it. With respect to the steam rams, which he thanked the Government for having stopped, no question had been raised on any side as to the intention with which they were built, nor was it disputed that they were destined to attack Federal shipping. Supposing the Government could not legally have stopped them, what ought to have been the language of those who objected to the detention? They ought to have said, "We are sorry to our hearts that we cannot stop them." But what was the language used in reference to the detention of vessels directed against an ally? It was said, "There is something ridiculous in stretching the law in order to vindicate the law." He, however, thought that nothing was more rational than to stretch the municipal law to vindicate the higher international law. The detention of the rams was only like the detention of a burglar, who, though not actually caught in the fact, was found going about his work with his implements sticking out of his pocket. He thought, therefore, that it would have been the duty of the Government to stop these ships even if they had had to come to Parliament for a Bill of Indemnity. Contrasting the honourable course taken by the United States' Government in respect of vessels fitted out in their ports to act against this country with the tone assumed by hon. Members in respect of the *Alabama*, he would ask, how had the Confederate States treated us? They only existed upon the ocean by the systematic violation of our neutrality, and had no *locus standi* upon the sea but by the evasion of our laws. What, again, was the conduct of the Danish Government when a vessel was fitting out in one of their ports with an alleged hostile intent against the Germans? That Government did not indulge in cheatery or evasion. When appealed to, they gave their word that the vessel should not be employed against the Germans throughout the war. Again, it was a principle of international law that property captured at sea must be submitted to a prize court before it could become the property of the captors; and, if that were not so, such property would be at the mercy of any one who might be strong enough to take it. But Confederate cruisers had recourse to no prize court; they simply seized property and burnt it. Whether it was true or not that British property had been destroyed in that way, the British Government was interested in putting a stop to such a breach of international law. It had been said by the noble Lord, and he believed the hon. Member for Sheffield cheered the statement, that no justice could be got from the Confederate States until we recognized them. What was that but saying that a pirate could hoist his flag on any rock, and do any amount of damage without incurring punishment until recognized as a Power? He wished to know, whether Her Majesty's Government had made any reclamations to the Confederate Government on this subject? The tone of discussion in that House was tainted too much with sympathy for a cause which he was surprised hon. Gentlemen opposite should support, since it was the cause of unjustifiable rebellion, even if it did not stand condemned by the common hatred of slavery.

The SOLICITOR GENERAL said, that Her Majesty's Government had up to that time been attacked for unduly favouring the Federals, and it was said that, having acted under their dictation, the Government had borne very hardly upon the Confederates. It was now alleged that the Government had not taken sufficient steps to vindicate the law in favour of the Federals and against the Confederates. These counter-statements might be left to answer each other, and might be taken as a proof of the neutrality of the Government. In truth, it was with nations as individuals — impartiality of conduct towards two irritated antagonists gave offence to both. His hon. and learned Friend had complained that the Government had permitted the escape of four vessels that ought not to have left these ports, and they were also accused of not taking means to repair the mischief thus done. Without entering into a formal statement of our relations with America, he would offer a few remarks on those vessels.

First, with respect to the *Florida*. Before she left the shores of this country the Government had no sufficient information—no evidence—that she was destined for the Confederate service. She was, however, detained at Nassau, and inquiries were made there by the Consular Court, which acquitted her. That might have been, as his hon. and learned Friend had said, for want of evidence, but in the face of that acquittal the Government could not declare that her equipment was a violation of the Foreign Enlistment Act. Nor was there any reason to suppose that she was manned from this country. There were some few Englishmen among her crew, but there was no ground for believing that the greater part of her crew did not belong to the Confederate States. It was, therefore, impossible for Her Majesty's Government to have stopped the *Florida*, or to treat her now otherwise than as the properly commissioned vessel of a belligerent they had recognized. In the case of the *Georgia*, there was no sufficient evidence before she left that she was intended for the Confederate States. The Government, however, had since received information that she was manned in a great measure from Liverpool, and proceedings had been taken against a firm of that town who were charged—he would not saw whether rightly or otherwise—with having organized a system of enlisting men for the *Georgia* and other vessels. As the inquiry was pending, he would say no more, but he mentioned so much for the purpose of showing that the attention of the Government was directed to the question. The next case was that of the *Alabama*, which was different from those of the *Florida* and the *Georgia*, and also differed from that of the *Alexandra*, which was also before the Courts, and to which it would be unbecoming in him to allude. Although the *Alabama* was not armed, yet a portion at least of her equipment might be called exclusively warlike in its character—such as sockets for guns. Depositions were made and laid before the Law Officers of the Crown, that the *Alabama* was manned at Liverpool, that the agents of the Confederate States at Liverpool enlisted men for her as fighting seamen, and that forty or fifty embarked, some knowing their destination and others being ignorant of it. Now, the Law Officers of the Crown at that time were of opinion that the *Alabama* ought not to be allowed to leave Liverpool, and in that opinion he had only to say that he entirely concurred. But the vessel escaped, and he quite agreed with his hon. Friend who spoke last that her escape was a misfortune. But, at the same time, it was not a misfortune for which Her Majesty's Government could fairly be held responsible. As soon as the evidence was presented to Government it was laid before the Law Officers of the Crown, their opinion was given without delay, and immediately it was given a telegram was sent to Liverpool directing that the vessel should be stopped. She escaped by a *ruse*, under pretence that she was going on a trial trip. Her Majesty's Government could not give assurance to other countries that no vessel could possibly escape, or that our laws would not be evaded. All they were bound to do was, to bring a fair and reasonable amount of vigilance to bear in order to prevent violations or evasions of the law. But if it turned out that not merely the *Alabama* had escaped by a *ruse*, but a number of other vessels—if several steam rams—and to the subject of the steam rams he should not further allude—had been permitted to escape by similar means, so that the American Government could have said to Her Majesty's Government, "You are maintaining not a real but a fraudulent neutrality; you are conniving at violations of your laws which are notorious to everybody; you won't put your Foreign Enlistment Act into effect"—then they might have just ground of complaint. But the answer to all their complaints, and to all their claims—and that there might be no doubt upon the matter, these claims the Government distinctly resisted—was, "We have fairly and honestly enforced the Foreign Enlistment Act, and have done our best to preserve our neutrality." With respect to the *Rappahannock*, his hon. and learned Friend was not correct in saying that she was fitted out in one of Her Majesty's dockyards. She was certainly fitted out in the proximity of one of the dockyards. She was bought by agents of the Confederate States, and was equipped at Sheerness, and the authorities of the dockyard were so much imposed upon as to lend artificers to equip her. But he could say that neither Her Majesty's Government nor the Law Officers of the Crown—so secretly was the equipment managed—had any information that the vessel was being fitted out for the service of the Confederate States until she escaped. He believed that her equipment was managed with so much secresy as to elude the vigilance of

Mr. Adams. It was, therefore, unreasonable to blame the Government for not having prevented her departure. The greater part of the men on board were not aware of the purpose for which they were enlisted, and therefore it would have been extremely harsh to have instituted a prosecution against them. But he regretted to say Her Majesty's Government had too much reason to suppose that an officer in their employment, whose name he need not mention, was more seriously compromised. They had, therefore, thought it their duty to institute a prosecution against him, which would shortly come before the Queen's Bench, and he need not say it would give Her Majesty's Government great pleasure if that gentleman could prove his innocence. He could not agree with the position of his hon. and learned Friend that those ships should be treated as English vessels. He denied they were English vessels. They were not officered by British officers. They were Confederate vessels having Confederate commissions; and because some Englishmen had enlisted in them, and some more might have been employed in fitting them up, that was no ground for calling them British vessels. His hon. and learned Friend had said, in the first place, that they ought to pursue and capture those ships. Capture the *Alabama!* But they should catch her first. He would remind his hon. and learned Friend, that when a vessel was commissioned by a recognized belligerent, no inquiry could be made into her previous history. It had been decided in the American Courts that a commission from a recognized belligerent obliterated the past offences of the vessel. Therefore, as they had every reason to suppose that the *Alabama* and the other vessels referred to were public vessels of war, commissioned by a recognized belligerent, it would not be in accordance with the law of nations to pursue and capture them on account of the original illegality in their proceedings. An act of that kind might be construed as no less than an act of war against the Confederate States. That, therefore, was a course which the Law Officers of the Crown could not advise Her Majesty's Government to pursue. But, secondly, his hon. and learned Friend had said, "You ought to keep them out of your ports." No doubt there was more to be said for that. Her Majesty had a right to prohibit the entrance of any vessel into her ports. But, at the same time, Her Majesty's Government thought that, while preserving neutrality and admitting Federal vessels into our ports, if Confederate vessels, or even a limited number of them, were to be excluded, they would be accused of oppressing the weak and truckling to the strong. On the whole, therefore, it was thought more consistent with a fair neutrality to allow the vessels of both parties to come into our ports. There might, however, be conduct on the part of the Confederate Government and of those vessels which would justify Her Majesty's Government in revoking that permission. His hon. and learned Friend next said, that they ought to make the attempts to violate the neutrality of this country by using our ports for the building and equipping of vessels of war the subject of remonstrance to the Confederate Government. He did not understand his hon. and learned Friend to have recommended war. On the contrary, he deprecated any such idea. "Because," as he said, "you do not recognize the Confederates as an independent State, but as a belligerent merely, that is no reason for allowing them to pursue any course of wrong-doing." He agreed with that opinion. They did not recognize the Confederates as an independent Power, and for the simple reason that they were not. They had recognized them as belligerents because they were belligerents. But that was no reason why they should allow wrong to be done to the neutrality of this country. There was, however, some difficulty in approaching the Confederates. It was by no means so easy to make communications to the Confederate Government, nor was the difficulty lightened by their having expelled our consuls. But that was a matter which was under the consideration of the Government, and he believed steps would be very shortly taken for the purpose of conveying to the Confederate Government the remonstrances of this country, and giving them an opportunity of explaining why their agents had acted in the manner described. Her Majesty's Government trusted they would be able to repudiate the conduct of their agents, and to state that what had been done was done against their authority. [*Laughter.*] The hon. Member would not surely advise any stronger measures until they had made their remonstrances. He did not propose to go at length into the Question, and he had avoided matters which had been from time to time alluded to in the course of the debate, but which were not directly before the House. He had made a statement which he trusted would in the main be satisfactory to his hon. Friends, and he would say, in conclusion, that it had been the most anxious desire of his hon. and learned Friend the Attorney General and himself, as well as of Her Majesty's Government, to maintain a strict and impartial neutrality, under very delicate and difficult circumstances, because nothing could be more difficult than to preserve a perfect neutrality between two jealous and exasperated belligerents.

Sir EDWARD COLEBROOKE said, that if shipbuilders at Liverpool or Glasgow built vessels of war with an intention to evade the Foreign Enlistment Act, he would not stand up to defend them; but the hon. and learned Member for Reading (Mr. Shaw Lefevre) seemed to maintain that those who *bonâ fide* built vessels of war, and sold them to a belligerent, were guilty under that Act.

Mr. SHAW LEFEVRE: I did not intend to say that they were guilty under the Act, but I conceive that they would be virtually and morally breaking the law if they knew that they were selling the vessels to a belligerent.

Sir EDWARD COLEBROOKE begged to remind the hon. Member, that that was a point *sub judice*, and that up to that time many persons competent to give a legal opinion on the subject considered that an act which a British shipowner might fairly do without any breach either of the laws of this country or of international law. Unless he was mistaken, the same doctrine had been upheld by those who represented the United States in former times. If the law was ambiguous, it might be a question whether it should not be made more clear; but until the law was either altered or amended, he contended that those who did such an act were not liable to the animadversion of that House or of Foreign Governments. It would be unfair to interfere with the law unless at the same time the wholesale supply to the other belligerent of the means of carrying on war were prevented.

Mr. J. C. EWART was understood to express his conviction, that no shipbuilder or merchant of Liverpool had broken the law, and he hoped that the most strict neutrality would be preserved.

Amendment, by leave, *withdrawn.*

THE ISLAND OF SAN JUAN.

OBSERVATIONS.

Mr. HALIBURTON said, he would postpone until after Easter the question which he had given notice of his intention to ask, as to the present state of the negotiations with the United States on the subject of their forcible possession of the Island of San Juan. It had been stated in the journals of the United States that the conduct of a gallant officer, General Doyle, which had been referred to the other evening, had been disapproved by Her Majesty's Government, and that he had been recalled. Any one who knew the United States as well as he did, was aware that there was very little printed in any of the public journals there that was to be believed; but it might be satisfactory to an honourable and sensitive mind if the next mail took out an authoritative contradiction to that report.

Mr. LAYARD said, that to the best of his belief the conduct of General Doyle, so far from having been disapproved, had received the entire approval of Her Majesty's Government, and he had no reason to believe that that officer was recalled.

Main Question put, and *agreed to.*

SUPPLY.

Supply *considered* in Committee.

Committee report Progress; to sit again on *Monday* next.

PENAL SERVITUDE ACTS AMENDMENT BILL—[Bill 23.]

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir George Grey.*)

Mr. ADDERLEY said, he rose to move that the Bill should be read a second time that day six months. In the event of that Motion being carried, he should submit to the House another Bill, which he did not intend to be in any way a rival measure to the present Bill, but the object of which would be to consolidate the Acts which would then be mutilated and imperfect, by the abolition of the whole ticket-of-leave system in England and Scotland. One grave objection to the measure before the House was the slovenly manner in which it dealt with the important subject of penal legislation. The law as it existed was little better than a piece of patchwork, and the Bill of the right hon. Baronet merely proposed to add another patch. Our legislation for the last fifty years had been a repeated attempt to make the one specific of transportation serve as our highest secondary punishment, in spite of the increasing difficulty of rendering it compatible with the changed condition of the world. And when it became obviously impossible to carry on transportation any longer, and we were obliged to substitute another punishment, (which was done under the name of penal servitude in 1853), we could think of no device, but that of casting the new punishment upon the model of that which had become obsolete. The Acts of 1853 and 1857 enacted nothing specifically or distinctly in themselves. They were simply an attempt, by the most slovenly legislation, to transfer to the new punishment of penal servitude, all the provisions and expressions which were scattered over the statute book in relation to transportation, with the saving words added, "so far as they may be consistent with this Act." The consolidating Acts of 1861 had, besides, rendered much of these Acts superfluous, and some of the Acts recited in these Acts were since partially repealed. There was no hon. Member of that House who would not allow that the most essential features of penal legislation were clearness and precision; but these Acts which embodied the highest penalty next to death, so far from having any clearness or precision about them, were a mere snare and a misty speculation. The right hon. Baronet the Home Secretary, the other evening, bore somewhat unwilling testimony to the signal success of a penal Act, which was passed in the last Session, and which had at least this contrasting feature, that it imposed a clear and tangible consequence upon one species of crime. The right hon. Baronet gave the statistics of the remarkable diminution of that species of crime since the passing of the Act in question, but he sought to disconnect that diminution from the Act which bore upon the subject. The right hon. Baronet the Home Secretary asked how often the Act had been enforced. It had been enforced some five or six times. [Sir GEORGE GREY: No, no!] He bowed to the superior authority of the right hon. Gentleman, but he certainly thought his own information was accurate. At any rate, there were three sentences imposing corporal punishment upon garotters during the winter assize, and only the previous day he was present at Warwick Assizes, when Mr. Justice Byles ordered two men to receive thirty lashes apiece. However, he was himself better satisfied with the proof which had been afforded that good penal laws were economical of punishment, and that they produced a diminution of crime without any need for their enforcement. The right hon. Baronet was wrong in supposing that the proof of the goodness of a law was the multiplicity of its enforcements. If that were the test of merit, he would allow the very highest merit to penal servitude. He believed that penal servitude as carried out under the present law would, with the additional patchwork which would be introduced into it by the Bill before the House, multiply punishment to the choking up of the gaols of the country. But, abstaining from further remarks on that point, he would at once proceed to deal with the actual principle of the present measure. The first question raised by it was that of the wisdom of remissibility of punishment. It was proposed to amend the ticket-of-leave system as it had been carried out in England for the last eleven years, simply modifying a scheme which had been proved to be bad, and avowedly not removing the cause of that badness. The length or shortness of the term of penal servitude was not the main question before the House, and he must say he thought, that while long and short terms of imprisonment were both requisite and useful in their way, the right hon. Gentleman would have done better, if, instead of abolishing the shortest term of penal servitude, he had made it a short term of real punishment. The shortest term was supposed to fill up the interval between the punishment of imprisonment and that of penal servitude, and by its abolition the right hon. Gentleman had left open a space which he had not even attempted to occupy. True, the longest term of imprisonment was far severer than the shortest of penal servitude, which was meant to be an aggravation of punishment. But the true intention might be realized. It seemed, he might add, somewhat remarkable that both the right hon. Gentleman and those who entertained the same views on the subject, while generally showing so great a deference to the opinions of the Judges, yet condemned the extensive use made by them of the shortest terms without ever considering the reasons which might have induced them to take that course. But, to return to the main question involved in the Bill, he would briefly discuss the points whether, in the first place, there should be any remission of punishment at all; and, if so, whether it should be conditional or absolute. The reasons assigned for the remissibility of certain fixed portions of punishment were, first, that it gave hope to the prisoner, and, secondly, that it facilitated the task of keeping control over him. In support of the former reason, it was urged that a chief part of the punishment must consist of labour, and that labour without hope would brutalize. Earl Grey, in the Report, put the point more philosophically, observing that aversion to labour was the principal cause of crime, and that, therefore, incentives to labour would be the most appropriate remedy in the reformation of criminals. The noble Earl was in favour of making labour attractive, as necessary to the reformation of criminals, but it was only necessary to look a page or two further on to find him contending, that in the process of punishment labour must be irksome and distasteful; so that, in order to carry out the theory of remissible punishment, labour must be made at once attractive and repulsive. The fact, however, was, that the Report was full of contradictions, and that the right hon. Baronet (Sir George Grey), in seeking to introduce a Bill founded upon it, ought either to have divided his measure into two, or admitted that the arguments against his proposal, drawn from the Report, were as strong as those in its favour. For his own part, he was prepared to allow that labour, if made punitive, as it ought to be, in our prisons, must be distasteful; while he was willing to concede that it should not be made so distasteful as to shut out all the influences of hope. Hope should be held out, but that might be done better by means of classification and promotion in prison than by destroying the stringency of the sentence, as the Bill proposed. Indeed, he felt perfectly satisfied that the perpetual changes and experiments which had been made in our system of secondary punishment had, so far from operating beneficially on the prisoner's mind, kept him rather in a state of constant irritation and suspicion of wrong which had often led to outbreaks in our gaols. Having said thus much on that point, he should proceed to deal with the second reason given for the remission of punishment—namely, that it facilitated the control over prisoners while in confinement. On that point he would say, "Make your system of punishment what it ought to be—not of a nature to brutalize by any means—but when you have made it what it ought to be, trust rather to the strength than to the discretion of your sub-officials for its administration. If the number of those officials be too small, make the aggregate of prisoners in each goal smaller, or the staff of your warders larger; but, at all events, let everybody see that you have power to carry out the discipline you have imposed, and do not trust to humouring and coaxing to enforce the sentence which has been formally and judicially pronounced." The right hon. Baronet, however, contended that there would be no uncertainty in punishment under the Bill, inasmuch as the portion which it made remissible was a fixed proportion of one-fourth. But the proportion remissible up to the present time has also been fixed, not indeed by Act of Parliament, but by circulars, in every gaol, so that whatever failure had hitherto been found to attend the system would be no less likely, on the score of fixity, to continue under the operation of the right hon. Baronet's scheme. For his own part, he felt assured that so long as any portion of the punishment was subject to remission, the whole would, to a criminal's calculations, be characterized by uncertainty. Any man would fear more the certainty of dying in twelve years than the possibility of dying in less. But there was another kind of uncertainty which was even more objectionable than the interference with the sentence, and it was that which arose from the feeling that punishment might depend, more or less, for its continuance or abridgment on the caprice, the want of judgment, or the cowardice or dishonesty of any one of a number of subordinate officials. So strongly had that objection been felt, that it was said the remission of a sentence should no longer be made dependent on the report by warders of the conduct of a man, but on the actual amount of work done by him, for which there should be a specific test. What would be the result so gained? Why, that the strongest villain in the gaol would get off with the lightest punishment, while his miserable fellow prisoner, who had, perhaps, been led by him into crime, would suffer most. Earl Grey, in another place, spoke very strongly in favour of the remission of punishments, contending that those who were opposed to it were taking steps to retrograde from the position which enlightened men had taken on the subject of criminal legislation for the last fifty years. But he added, "there is great difficulty in carrying out the system, for this reason—that there is no fair measure of conduct, and that the greatest hypocrite gets off the best." Supposing, however, that the House was determined to continue the remission of punishments, the next thing they had to consider seriously was, whether it should be conditional or absolute. If the remission was conditional, it was so simply on the convict committing no fresh crime; but would not a severer punishment, in the event of a second conviction, have an equal, if not a greater effect? The only value of conditional remission was, that it afforded a pretext for police supervision. That suggested two questions—would such supervision be advantageous, and, if it were advantageous, was it possible? Great objections had been raised against it. It was a system quite un-English, and which could be thoroughly carried out only in a country like France, and which was not much approved of there. If it had succeeded in any degree in Ireland, it was only because the circumstances of Ireland resembled those of France rather than England in the centralized police. At all events, he had a very strong conviction that supervision would not be beneficial. All agreed that it very much impeded the liberated convict in returning to an honest course and in obtaining employment; and he knew of no compensating good which it produced to set against that great evil. But, whether advantageous or not, was supervision possible? They had had eleven years' experience in England to convince them that it was impossible in this country. Even the author of the present Bill himself told the House that he did not believe supervision to be practicable here; and neither in the schedule of the measure, nor by means of provisions outside that House, did he mean to attempt to carry it out. Well, then, if police supervision in such a place as London is of doubtful utility and more doubtful practicability, and conditions of remission have no value except for this purpose, he hoped no one would support a sham condition. If it could not be made a reality, any condition ought to be dispensed with. The right hon. Baronet the Home Secretary had confessed that he entertained a strong feeling against attaching any conditions to the remission of punishment, and was personally rather in favour of making the remission absolute. He had not been able exactly to gather the counter reasons which had led the right hon. Baronet to give up that opinion. He intimated, indeed, that without supervision we might seem to be letting out criminals to emigrate; but that seemed a reason in favour of remission without supervision. It was very significant, however, that after so many years of experiment they were invited to try a new one which, its author and advocate told them plainly was intended only for the present and was not to prejudge the future. In his opinion, it would be better to make the remission of punishment absolute rather than conditional, if the conditions are shams; but it would be better still to have no remission at all. He might add his regret that the Bill should have been extended to Ireland, because whatever they did, they ought to leave well alone. Ireland had been very successfully treated under the existing system, and there was no reason for a change. There was sufficient difference between the conditions of Ireland and England to account for such a law being successful in the former which might not be suitable for the latter country. He hoped that, whether or not the measure was passed for England, Ireland would be exempted from it. Before he concluded, he might, perhaps, be allowed to say a word in his own personal defence. A friend had charged him with inconsistency in advocating fixed and simple punishment for men, and mixed treatment for juvenile criminals. He thought he was justified in drawing a distinction between the two classes. The young who fell into criminal life by the default of tutelage were not altogether responsible for their actions, and there was some hope of reforming them. It was justifiable, therefore, to give them short punishments, and afterwards to attempt their reformation at school. Such a speculative effort, however, was out of place when one had to deal with hardened adult criminals, who were fully responsible for their deeds. It was with diffidence that he ventured to oppose his opinion to that of the Home Secretary, who had had such great experience on the subject, and had so long occupied a high place in the councils of the country and in the estimation of his fellow-countrymen. He entertained, however, very strong and deliberate convictions on the subject, and held that, after the repeated failures they had witnessed, they ought to be very cautious in committing themselves to such a measure as that before them, and he thought, moreover, that the success of the Bill he had introduced in the previous year entitled him to express his convictions. He begged to give notice that, in the event of his Motion on the present occasion not being successful, he would on a subsequent stage, and by a specific Resolution, raise the question of retaining tickets-of-leave without police supervision. He begged now to move that the Bill be read a second time that day six months.

Mr. BEACH begged to second the Motion. He said, that the time was come when the House must face the great and embarrassing question of penal servitude for our criminals in all its bearings. To send convicts to Australia under present circumstances would be inexpedient, and would, moreover, be only a temporary remedy for a growing difficulty. They must also consider the system of punishment in county and borough gaols, for Sir Joshua Jebb said, that a very large proportion of the inmates of convict prisons had found their way there after suffering frequent imprisonment in county and borough gaols. The system in county and borough gaols should be changed, so as to make it more punitive, that criminals might dread imprisonment there. In Hampshire, at the instance of the Earl of Carnarvon, certain changes in the penal discipline of the county prison had been made. Alterations had been made in the hard labour, in the diet, in the hours of sleep, and in other matters. They had made their discipline more stringent and more irksome to the prisoners, though without undue severity; and it was to be hoped that other counties would take example by what had been done, for it was of paramount importance that uniformity of punishment should prevail in the various counties. But what would be the use of stricter discipline in county prisons, if the Government establishments were so conducted that prisoners actually longed to be sent there, and committed crimes with that very object? The Governor of Gloucester Gaol had supplied very interesting information on that head, and had brought forward several cases of criminals who had broken the law in order to enjoy the advantages of the Government prisons. One, for instance, declared that it was not worth while stealing bread or committing any small offence, and that it paid much better to go in for the burning of a rick or something serious at once. He feared that the present system of penal servitude was not as deterrent from crime as it should be; and the Commissioners agreed in this view. It was dangerous that such a state of things should exist. The principle that the counties should deter and the Government reform, had been carried to a most unwise and injurious extreme, as was proved by the number of prisoners against whom previous convictions were recorded. There must be some mistake in a system which allowed such a vast increase in crime. The immense expenditure which it entailed was an additional reason for looking into the question. It was a fact, proved in evidence, that many ticket-of-leave men were re-convicted without detection. Hence it was impossible to tell how much any calculation fell below the proper average; but if we gave our convicts in gaols light labour, an ample diet, large gratuities, and a tolerable certainty of revision of sentence, we need not wonder that many looked forward to imprisonment as rather an indulgence than anything else. He did not mean to say that the labour was nothing. The evidence showed that three convicts did the work of two ordinary labourers. That was a fair amount, but it did not demand the large and ample diet which was supplied. Men suffering for crime should not be treated better than honest and industrious labourers. The average cost of the keep of a pauper was 2*s.* 3¾*d.* per week and 2*s.* 6¾*d.*, while that of a convict was 3*s.* 10¼*d.* It had been said that diet was simply a medical question. What view did the doctors take of it? The question was, whether 39oz. of meat per week, which was the allowance of a convict, were absolutely necessary. To some paupers the allowance did not exceed 4oz. Mr. Gye, an eminent surgeon, whose opinion was entitled to great consideration, said he should consider the diet excessive for any amount of work that could be got out of prisoners by any contrivance. As for gratuities, it might be said that some incentive should be held out to convicts for good conduct and industry, but he thought the gratuities were rather high. Those given in Ireland were about half that were allowed in English prisons, and he believed they operated well. The question of remission of sentence was a very difficult one. The Lord Chief Justice had ably argued, that under no circumstances should there be a remission of sentence, but the evidence generally was rather opposed to that view. It was said that the discipline of a gaol was promoted by the prospect of a remission being held out. He would say, however, that remission should not be made certain, but should depend upon the good conduct of the prisoner, who ought to be taught to regard it as something to be earned. Hitherto, unless a man had behaved himself very badly, he might almost reasonably look forward to a remission at a certain period. Let them change that, but in changing it something more must be done. The ticket-of-leave system was established for a good purpose, but the provisions of the Act had been systematically disregarded. There had been no supervision of any sort over discharged prisoners. The present Bill provided that holders of tickets-of-leave should be severely punished on reconviction, but how were the police to prove that they were ticket-of-leave men if they did not know them? If men were to be discharged with tickets-of-leave, there ought to be an active supervision by the proper authorities. He did not agree with the right hon. Member for Staffordshire (Mr. C. B. Adderley), that police supervision would be difficult to carry out, or was un-English. No doubt, as the Commissioners said, there were difficulties in the way, but the object was one of such extreme importance, that it ought to be attempted. Sir Richard Mayne was of opinion that the arrangements adopted in Ireland might be introduced into England. At first sight it might appear that police supervision would interfere with the employment of discharged prisoners, but that would be the case only when the duty was performed without either tact or discretion. If the police performed their duties properly, no such consequence need ensue. The evidence showed that in Ireland, where the officials certainly were very able, police supervision had actually assisted convicts in obtaining employment; and if the Irish plan were introduced into England, we should have no reason to regret it. The great fault of our criminal system was indicated by Sir W. Crofton, one of the highest authorities on the subject, when he said that the success of the Irish system was due mainly to a feeling on the part of the convicts from the commencement of their sentence, that they could not follow crime as a vocation with impunity, and that the great evils which had occurred in England, and the great expenditure consequent on crime, had arisen from our believing that the majority of convicts in Government gaols were casual offenders. They were dealing more with hardened criminals than with casual offenders, and he thought the Government might have adopted the recommendation of the Lord Chief Justice, that there should be no remission of sentences at all. Although he did not himself agree entirely with that recommendation, still it would have been a definite course to pursue; but, in the next place, if the remission of sentences were to be retained, it should be retained under particular safeguards, and, above all, a prisoner once discharged should be entirely free. That, he was inclined to think, would be the best principle to adopt, and then the convict should be obliged to earn the remission by a regular gradation. The system of "marks" which obtained in some of the Irish prisons might be introduced into the English prisons, and then, if the prisoner were discharged quite free, he would be more likely to conduct himself well than if he were released under a ticket-of-leave. If, however, tickets-of-leave were maintained, there ought to be an active supervision by the police. But, instead of taking either of these courses, the Government appeared to have come to the conclusion, that the best thing was for them to do nothing. They had, indeed, increased from three to five years the minimum term of penal servitude; but then the mass of the evidence was in favour of not less than seven years. In conclusion, he concurred in the hope that that House would emphatically express its opinion on this subject, and he trusted the result would be the introduction of a measure more adequate to the occasion than the one now before the House. For these reasons, he would cordially second the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Adderley.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. GATHORNE HARDY said, that the question before the House was no party question, and he had no hesitation in rising thus early in the debate to express his dissent from the views advocated by his right hon. Friend the Member for North Staffordshire (Mr. Adderley). The opinions entertained by his right hon. Friend were purely theoretical, and were opposed to those of persons who had special experience of the working of our convict system. His right hon. Friend objected to Ireland being brought within the purview of the Bill, because the system was working so well there. Well, Ireland was exempted; but the object of the Bill was to introduce that system as far as practicable into England. No doubt the Bill might be amended with public advantage, but the principle of the partial remission of a sentence, to be earned not upon the easy terms of submission to the authorities of the prison, but by hard work and actual good conduct, was, he thought, a salutary one. His right hon. Friend said that, under such a principle, the strongest man would have the best chance, but of course those who had the care of prisoners would have to apportion the tasks imposed upon them according to their varied physical capacities; and then, if the work so allotted were not honestly done, the convicts would not earn the proffered remission. His right hon. Friend objected also to what he called experiments in the matter; but in the treatment of human beings there would never be anything but experiments. His right hon. Friend had propounded his own theories, and had laid down certain rules to be adopted in the prisons, and he should certainly not like to be in a gaol in which the system proposed by his right hon. Friend was adopted. His right hon. Friend said the system of punishment should be uniform, deterrent, and bitter; and he was not disposed to dissent from that statement. He trusted that during the nine months which convicts were to pass in prison before going upon public works, they would be subject to the same strict and bitter discipline which was to be enforced in county prisons. There must be something wrong in the present system under which a man sentenced to what was nominally the lighter sentence of eighteen months' imprisonment considered himself more hardly used than a man who was sentenced to three years' penal servitude. It was clear that a Judge, in directing what was supposed to be a heavier sentence, ought not to be obliged to impose what was in reality felt to be a lighter one. It was, however, stated that prisoners had expressed that preference. Well, that ought to be amended. He could not agree with the right hon. Gentleman that punishment, when lengthy and severe, was not also to be treated as a curative and reformatory process. The hon. Member for Hampshire (Mr. Beach) had spoken of the ticket-of-leave men obtaining the assistance of the police in procuring employment. These men must have been impressible, if they would thus go to the police for counsel and advice. Doubtless men who had gone on in a long career of crime were almost hopeless, but their reformation should not be given up altogether. He did not think we should use our punishments merely as instruments of terror. If that were adopted as a principle we ought to go back to the obsolete system which prevailed before our prisons underwent visitation, and even to others of a more horrible nature than anything that was ever likely to be adopted in this country. We had heard much of Neapolitan prisons, in which prisoners were chained together by night and by day. If any punishment would be deterrent that would seem to be so; but such punishment was too penal, and inflicted injury on the minds and the hearts of the prisoners as well as on their bodies. Such punishments were physically, intellectually, and morally evil; and they ought to be entirely discountenanced. He believed that the prison diet had been too good; but that question was not involved in the principle of the Bill. Where the diet had been too good it ought to be modified. In 1852 the expense of a prisoner's diet at Portland amounted to £7 10*s*. a year; whereas in 1857 it had risen to £12. That was an enormous increase, and, contemporaneously with such increase, crime had risen, though not to the height at which it stood before the diminution which was antecedent to that increase. Then as to the gratuities, it was his opinion that they ought to be diminished. He understood the right hon. Baronet to say they were to be diminished. [Sir GEORGE GREY: They have been.] He believed they were to be £3 as a maximum. Of this he approved. That amount was liable to diminution, but there could be no increase. Of course, it was absolutely necessary that prisoners should have some means when they left prison, or they must of necessity return to their former courses. His right hon. Friend had stated, that the Bill he was influential in passing last year had had a very great effect. He trusted it might have a good effect; but he was not one of those who supported it, because he did not believe in its efficacy as a deterrent from crime, nor in its efficacy as a punishment except when sharply and immediately applied for offences in prison. His right hon. Friend objected to remission of punishment altogether, or he objected to it unless accompanied by a very stringent supervision. In his objection to remission altogether, he certainly was not very consistent. He said it was necessary to hold out moral incentives; it was necessary to have classification. Well, he (Mr. Hardy) went from his right hon. Friend as a theorist to practical men; and said that the system recommended by his right hon. Friend had not succeeded, and that something more was wanted than increase of diet, elevation in classes, and marks of honour, and that what a prisoner sighed for was the time when he would be his own master again—when he would be free from that strict supervision and taskmastership under which he was suffering. All those who were connected with prisons knew that the only real incentive on which they could rely for effecting a moral influence on the conduct of convicts was the prospect of shortening the term of their imprisonment. The directors of convict prisons told them that if they relied solely on moral incentives, or upon coercion alone, or on both together, they might send the convict out of the prison worse than he went in, in a hardened state, fitted for any crime. Having received no kindness, they would return none; and when they went forth among their fellow-creatures it would be to prey upon them, as they had done before they entered prison. His right hon. Friend had said that remissions introduced uncertainty, and that changes were undesirable, because no one would know what his punishment really was. But if change was undesirable, the changes which his right hon. Friend proposed were much larger than that of the right hon. Baronet. His right hon. Friend proposed that sentence should be pronounced by the Judge, and that there should be no diminution at all. The right hon. Baronet the Secretary for the Home Department proposed that sentence should be given, but that there should be a certain known remission to be earned by the hardworking and good conduct of the convict. There was no uncertainty there, except in the man himself. That element might also be made certain if he chose. He could make his punishment nine years, instead of twelve or thirteen, as pronounced by the Judge. Where, then, was the uncertainty? It had been suggested by the Directors of Prisons that convicts should not go immediately into liberty from the public works, but that they should undergo a short imprisonment separately before they finally left the custody in which they had been. It was very desirable that they should be taken away from their associates on public works for some time; but that was a matter of mere arrangement for the Home Office, not for the Legislature. Suppose they were to have remission, what sort of remission was it to be? He thought the period assigned by the Secretary of State not an unreasonable one—that by hard, continuous work, and good moral conduct, a convict might have one-fourth of his original sentence remitted. This could not well be done without efficacious supervision. Unless the supervision were efficacious, it would be better to let the prisoners go free at once. Supervision was, indeed, said by his right hon. Friend to be un-English. He agreed with the noble Viscount at the head of the Government, that a favourite proposition of some hon. Gentlemen on the noble Viscount's side of the House was un-English. But when he was told that supervision was un-English, he denied the allegation. On the contrary, it was an English duty to supervise criminals. Talk of depriving a man of his civil rights! It was the convict who had deprived himself of civil rights. Even the most imaginative chartist of former years insisted that the acquisition of the franchise should be restricted to those who were not convicted of crime. The men to be dealt with under the Bill had not only committed crime, but part of their sentence was unexpired. He understood that an hon. Member had given notice of an Amendment to let the men go absolutely without supervision, provided, however, that if they committed a new offence they should be recommitted to undergo the remainder of the original sentence. Well, that was not an absolute remission. It was conditional, after all. But what was the dreadful supervision his right hon. Friend seemed so much afraid of? When the man left prison, it was necessary that the police should know where he went, and that he should receive, at all events, a portion of his gratuity in the place to which he removed. He would be satisfied with the supervision of a Prisoner's Aid Society where one existed. But in places where there was no such society in existence, the prisoner must go and report himself to the police. Not that he should say to every policeman whom he might meet, "I am a ticket-of-leave man, and you must keep a close watch on my movements;" but he would report himself to the head police officer in the place, and it would be for that officer to use such means as he thought proper to watch over him, and see that he did not again fall into crime. It was objected by some that policemen should not have the power of supervision, but it was well guarded, as in the case of any breach of licence the man must be taken before a magistrate. It was for the same reason as he distrusted the common policeman that he distrusted the common warder; and, therefore, he hoped the Home Secretary would tell them whether in the prisons as they were in future to be carried on, there would be better and more responsible heads over a smaller number of prisoners than had hitherto been the case. What was wanted was a certain limited number of prisoners separated from the rest, as he understood was recommended by the prison directors — of some 300 prisoners, with officers responsible to and in communication with the prison directors, so that the discipline should not be left to persons so incompetent as mere warders, who, as appeared by returns, were being constantly changed. The next point upon which he desired to make a few remarks was transportation. Having been a member of the Transportation Committee which sat two or three years since, he had heard a good deal of evidence about Western Australia. At that time, considerable objections were urged by the other Australian colonies against an extension of transportation system, but the objections were not so extreme as they had since become. Most of those who sat upon that Committee arrived at the conclusion that transportation, if it could be obtained, would be a benefit alike to this country, to the prisoners themselves, and to the colony of Western Australia, and they thought that an exaggerated notion of the evils likely to occur to the other colonies was prevalent. That being so, he was not surprised to find that the Royal Commissioners took the same view as the majority of the Committee. But, knowing that in governing mankind respect must be paid not only to their wishes, but even to their prejudices, he could not help thinking that if the feeling in the other Australian colonies was so strong as it appeared to be, it would be unwise to resist it. Therefore, he reluctantly submitted to the necessity of confining the inquiry to discipline at home with a limited amount of transportation such as they now had. The right hon. Gentleman had introduced a new limitation by advancing penal servitude from a minimum of three years to five years. That was an improvement, but he would have been pleased if the limitation had extended to seven years. He could not help thinking that the step to nine months imprisonment, and three years and nine months on public works, was not so great a step as was formerly taken with regard to transportation, and which, with the experience of the course taken by some of our Judges, we ought to take. Some of the sentences recently pronounced for short periods of penal servitude were, having regard to the offences for which they were the punishment, so ludicrous as to make the criminal law a perfect farce. He had recently seen reported a case of violation of a child, accompanied by robbery, in which the sentence was but three years penal servitude. In the case of violation by a number of men—the heaviest, most brutal, and wicked offence that could be committed—the offenders were also sentenced to even penal servitude. Even if he remembered correctly, only three years since the discussion in that House, in which five years had been assented to as the shortest period for penal servitude which could be inflicted with advantage, at the last assizes, in one case for a very heinous offence, the Judge pronounced a sentence of four years penal servitude. It seemed to him that, although there had been faults in carrying out prison discipline in sentences of penal servitude, yet what was chiefly wanted was, that when the Legislature had awarded a certain punishment for a given offence, when that offence had been committed in its worst degree, the heaviest punishment should be inflicted. The contrary practice led to what was called discrepancy of punishment, because there were some Judges who, looking at the statutes under which they were acting, felt bound to award the heaviest punishment for aggravated offences. It was also said, that as prisoners knew one gaol from another, so they knew one Judge from another, and were especially anxious not to come before particular Judges. In the same way, the improved prison discipline in Leicestershire deterred the criminal class from becoming subjects for its operation, while it actually improved those prisoners who underwent that discipline by inducing them to resolve never to risk the ordeal again. He had heard that since the discipline of Winchester Gaol had been altered, the criminals of Hampshire, those who looked upon the prison as an agreeable place to spend six weeks occasionally, now were of opinion that it was not a place to enter again. Penal discipline should commence as severely as was consistent with the maintenance of the physical and mental health of the prisoner. The diet ought not to be such as to injure a man, but, on the other hand, it ought not to be such as would in any way cause envy to those who were leading honest and industrious lives, nor provoke a remark of discrepancy between the destitute poor in workhouses and the criminals in gaols. After the imprisonment there should be a period of employment upon public works—a strict disciplinary punishment, such as would compel a man to work hard to procure a remission of his sentence. Every day's remission thus earned was something gained to the prisoner, by teaching him the value of industry and hard work. His right hon. Friend near him said that the strong man would have the most work to do, but the fact would be that the man who was most anxious to obtain his liberty, who was most improving under the discipline, would be the hardest worker, and his character would be improved by the discipline. He agreed that the practised thief—the man educated to crime—would be found difficult to reform, but there was a large class of prisoners undergoing punishment for what were called crimes of violence—men who had committed offences in moments of hot passion, and to those men such discipline as he had described would be acceptable and beneficial, although it might fail with the hardened thief, the practised burglar, or the receiver of stolen goods. There was one other point of considerable importance upon which he wished to make a remark. At present there was no punishment between the sentence of death and one of penal servitude. In cases where sentence of death was remitted, a sentence of penal servitude under the forms of the law was wholly inapplicable to the crime that had been committed. Sentences of death were only pronounced in cases of murder, and in such cases he thought the criminal's transition from the sentence of death to penal servitude should be one of actual civil death, as far as his friends and relations in this country were concerned. He admitted that that would inflict hardship and suffering upon friends and relations, but that was one of the unhappy consequences of crime; as now, when a prisoner pleaded for mercy on account of his wife and family, the Judge told him he should have thought of them before committing the offence. What was really to be considered was the interest of the public, and he insisted that the punishment for such heinous offences should be sudden and deterrent, by cutting off the offender from all those social and domestic ties, a severance of which in this country was held to be equal to death. Theirs should be a separate and distinct punishment from that inflicted on other criminals. Such men should never be brought into community with those guilty of lesser offences; and it should be proclaimed that in this country the sanctity of life was so great, that a man who wilfully killed another should be cut off from the ordinary society of mankind. He knew the advantage which he would be giving to those who argued that capital punishment should cease altogether by the institution of such a punishment. But there was no more chance of abolishing capital punishment while the present system continued than there was of changing the course of the earth, for it was felt that penal servitude, as now enforced, was a punishment wholly inadequate for so enormous a crime as that of taking a man's life. He thought it would be unwise to reject the Bill upon a second reading. In the main, the House seemed to be agreed that penal discipline was to be carried out more strictly and for a longer time than at present, but that they would not yield to theories as against the experiments of those who were experienced in prison discipline—that they would not take away the remission of sentences, while, at the same time, they would insist on a proper system of police supervision. Criminals who were in fact still undergoing their punishment had not the ordinary privileges of Englishmen, and, having cut themselves off from honest society by their crimes, must expect, while in custody, to be subjected to a uniform and a deterrent discipline, and afterwards, so long as their sentences hung over them, to the supervision which it was alike the right and the duty of the State to enforce.

THE O'CONOR DON stated, that the difference in the propositions of the right hon. Gentleman opposite (Mr. Adderley) and those of the Government rested mainly on two points: the advisability of remission, and the advisability of a system of conditional release, and consequent upon that some description of supervision. It was argued that the remission was a departure from the sentence of the Judge, and was a boon granted to certain prisoners. But the fact that, under certain circumstances, this remission would be granted, was a fact which was, or ought to be, well known to the Judge before he passed sentence, and the consequence was that he increased the length of the sentence. There was thus an addition, at present, to the term during which the prisoner would otherwise be confined; and if he were not well conducted and industrious, he would have to pass that period in prison. Thus he was led to adopt a habit of self-control which, to persons accustomed to indulge their passions, was in itself a severe and salutary punishment. It was pretty generally admitted now that they could not, by brute force alone, oblige a man to work as hard as he could work, and to behave himelf as well as he could behave if he liked. Well, then, the system of remission came into play, and this was how it worked:—Suppose a man sentenced to eight years' imprisonment, with the remission of one-fourth if he conducted himself well. Would he not, with the alternative before him of suffering an additional restraint during two years, be less likely to be idle and misconduct himself than he otherwise would be? "Then," it was said, "by these remissions you introduce a great deal of uncertainty into the punishment of crime." But in the case he had just put, the punishment was equally certain, whether it was suffered for the six or for the eight years. In the able memorandum drawn up by the Lord Chief Justice, his Lordship said that the uncertainty attendant upon remission made the punishment less deterring than it should be; but he highly approved of transportation to Western Australia and of remission there; and it was difficult to see how, if uncertainty was the result of remission at home, it was not equally so abroad. The Lord Chief Justice, therefore, was inconsistent with himself. The substitutes proposed for remission, if even they were practicable, were objectionable in principle. As to rewards for good conduct, he thought that there were serious objections either to rewards in the shape of a better dietary or to those by way of gratuities. The first tended to interfere with the general arrangements of the prison; besides which, the general dietary in convict prisons was notoriously better than that which could be obtained by the honest poor man outside. The system of gratuities was objectionable because, if they discharged a convict with any considerable sum of money in hand, the great probability was that he would spend it in dissipation, which would result in fresh crime. It appeared to him, therefore, that the only safe way of rewarding a convict, was by the remission of a portion of his sentence. Then, on the question, whether the remission should be absolute or conditional, he was in favour of the latter, accompanied by supervision. If they did not put in force the conditions, they ought to abolish tickets-of-leave. If they were not to have supervision, let them discharge the convict absolutely when they sent him out of prison. It was urged against a supervision of convicts by the police, that it would be the introduction of the French system of espionage. He contended that the supervision, obliging the discharged convict to report himself to the police authorities, would not be analogous to that system; but at present there existed in this country something very like the French espionage, for in our criminal statistics there were tables under the heads, "Known thieves," "Receivers of stolen goods," "Tramps and prostitutes," "Suspected characters." The police were directed to watch all discharged criminals, to note their doings, and observe the houses frequented by suspicious characters. Those proceedings of the police had been going on for years without any objection having been taken to them. Again, it was said that if discharged convicts were obliged to report themselves to the police authorities, it would interfere with their obtaining employment. That he denied, and he might refer to the case of Ireland in support of his position. In that country the supervision of the police had greatly facilitated discharged convicts in obtaining employment. Even if such an instance had not existed, he should on theory have expected the same result. The Government seemed to favour the proposition of resorting to photography. And it was proposed to dispense with the necessity for the prisoners reporting themselves, but, at the same time, to afford the police every facility to discover what they did when discharged from prison, and photography was to be used to facilitate their recapture by the police if necessary. If they did that, were they not carrying out that espionage to which they so much objected, and which they sought to abolish? It might, indeed, be said, that by abolishing the system of supervision they were encouraging espionage. He had been greatly amused the other day by reading an article in *The Times*, which gave a graphic account of the steps taken by the French police to discover what the conspirators were about. In that article the leading journal warned Englishmen against police supervision, but a proper supervision of criminals discharged before their sentence had expired, would have the effect of rendering the elaborate system of the French police wholly unnecessary. No doubt a proposal to abolish the ticket-of-leave system would, at first sight, be acceptable, but the experiment of conditional release had never really been tried in this country. Men were discharged with a piece of paper, and told not to frequent certain places, but they had been allowed to do it nevertheless. In Ireland the conditional release system had been put into operation in name and in fact, and had been found to work well. This proposal would merely abolish a name here, but in Ireland it would abolish a system which had been most successful there. It would be more reasonable to extend the Irish system to this country. While he agreed in the main with the measure, he could not agree in the proposal contained in the fifth clause, which enacted that for every breach of licence the offender should be brought before two magistrates and sentenced to a special punishment for that offence. He was afraid that in Ireland that provision would lead to a great deal of difficulty in the working out of the system which, up to that time, had worked so well there. He had certainly given his assent to the paragraph in the Report on which the provision was founded, but it was with the intention of giving facilities to the Crown for revoking the licence on the breach of its conditions. It would be simpler on breach of the conditions of licence, to send a man back to suffer the unexpired portion of his sentence. At any rate, he hoped that the Government would consent to except Ireland from the provision. In conclusion, he must express a hope that the right hon. Gentleman would not oppose the second reading of a Bill which was based on right principles, and might be satisfactorily carried into effect.

SIR WILLIAM MILES said, that having acquired a knowledge of criminal law from presiding at Quarter Sessions, he would ask the indulgence of the House while he gave his opinion founded on an experience of thirty years. They had before them three systems which were proposed as an alteration of penal servitude. 1st, The system recommended by the Commissioners; 2nd, that of the right hon. Baronet the Home Secretary; 3rd, that of his right hon. Friend the Member for North Staffordshire (Mr. Adderley). He had no hesitation in giving his support to the system of the Commissioner which assigned, as the minimum of penal servitude, the period of seven years. As the right hon. Baronet intended only to send persons under a long sentence to Western Australia, it must be his intention to keep those under the minimum servitude at home; and in this way he would carry out the wishes of the people of Western Australia, and give the community an opportunity of testing the effects of the system. He was sorry that the right hon. Baronet had not, along with the Bill under consideration, laid upon the table his Bill on prison discipline. The two subjects were intimately connected and ought to be discussed together. But unless the right hon. Baronet took the regulation of prison discipline in his own hands, and laid down general rules defining hard labour and the dietary of every prison and house of correction, little would be done to equalize punishment. He should be glad to state what he considered to be the effects of the present system of penal servitude not only upon the prisoner, but upon the country at large. He had read with great care the Report of the Commissioners, and the statements of Sir Richard Mayne and of the chief constable of his own county. A great deal had been said about supervision, but it appeared from what Sir Richard Mayne stated, that no supervision of criminals in the metropolis had been exercised, except in the year 1863. It was an anomaly that whilst the police could warn the employers of old thieves who had served out their term of prison punishment, their mouths were closed against men who had been more recently converted and had obtained tickets-of-leave. That was not fair treatment of the public. Sir Richard Mayne stated, that there was an accumulation of thieves in the metropolis owing to the short periods of penal service, and the system of tickets-of-leave and letters of licence, and gave it as his opinion that the short sentences did not deter either those who had been in penal servitude or those who were likely to be so. Then, again, the chief constable of his own county gave him three instances of criminals recommitted in one year. The first was of a man who committed burglary on his way home from the convict establishment at Chatham, and said he did not mind being sent back to Chatham as he lived better there than in his own house, and if he wanted anything he had only to ring his bell and a servant in livery attended him. The second was that of a notorious burglar, from Birmingham, who had been previously convicted of robbery with violence, and he said he did not care about going back to prison, as the only thing he missed there was his daily paper. The third was the case of a man charged with arson, who expressed a hope that he might be transported, as he lived better during his term of penal service than he had ever done at home, and after the expiration of his former sentence received £15. These instances showed that penal servitude had no deterring effect, and that there was a necessity for carrying it out with greater vigour. It was ridiculous to bring prisoners out to Southsea Common to work and have a band playing for their amusement. Such was not a proper penal servitude. He would refer to the case of a man who, in 1851, committed a crime and was sent to prison on fifteen years' sentence. Long before the completion of his sentence he was at large, and when asked how that had come to pass, his reply was, that he had assisted in saving the life of a warder. That was very good. In 1861 he was tried for murder, and was acquitted, though not morally, and on that he should offer no remark. In 1862 he was again brought up, and was found guilty of two offences, for one of which he was sentenced to a week's imprisonment, on the other to fifteen years' penal servitude. He again got at large, and then was convicted of burglary, for which he was sentenced to ten years' penal servitude, to commence at the expiration of the former sentence. Now, that man was at large again in 1862, although his character was bad in every respect. The man was too knowing a great deal to commit any fresh crime himself, but his occupation consisted of training young thieves to commit such offences as might insure their being condemned to penal servitude, instead of mere imprisonment when once convicted. It was the fault of our entire system that it was too tender to the criminal, too oblivious of the public; and yet it was proposed that the minimum sentence should be five years, though the Commissioners had recommended that it should be longer. As to the question of conditional and unconditional pardon, he had always thought that once the Judge had pronounced sentence, no pardon should be granted except under the Royal prerogative. But, looking to the system acted upon since 1853, he was prepared to abandon his own ideas. He thought, however, that the Judge, at the time of passing sentence, ought to be empowered to point out to the criminal how, by industry and good conduct, he might better his position. And that he would certainly do in every case if the remissions were embodied in an Act of Parliament: the circulars of his right hon. Friend, on the other hand, being only good for one year, were likely to be referred to in addresses to juries, and then to be forgotten. He regretted that the Duke of Newcastle having laid down principles in his despatch which no constitutional lawyer could gainsay, had not felt it right to act up to them. The expectations and desires of the West Australian colonists had been disappointed by the arbitrary limitation to two shiploads of convicts, only 500 or 600 in number. He had listened with great pleasure to the arguments of the hon. Member for Leominster (Mr. Hardy) whose speech had his approval in all respects, except as to the conditional and unconditional pardon. He believed that when pardons were given they ought to be unconditional, for gangs of men had no objection to work with convicts who by fulfilling their time were supposed to have expiated their offence. Ticket-of-leave men, on the contrary, were shunned and sent away.

Sir GEORGE GREY said, he had trespassed so long on the attention of the House when bringing in this Bill, that he should only feel it necessary to offer a few observations, especially as he gathered from the tone of the debate that there was no serious objection to the second reading of the Bill, and many of the points adverted to could be better disposed of in Committee. The Bill was grounded entirely upon the recommendations of the Commission, which sat so long and went so carefully into the whole of the subject, and which was composed of men in whose judgment and experience the House might place every confidence. It had not been practicable to carry into effect all the recommendations of that Commission, but there was no portion of the Bill which was not founded upon some part of their Report. The objection taken to the minimum period of penal servitude was one which could better be discussed in Committee, and he would, therefore, abstain from repeating the considerations which had influenced the decision of the Government. One hon. Member had objected to the measure as it applied to Ireland, but the power given to magistrates to adjudicate in cases of alleged breach of the conditions of licences was in accordance with the Report of the Commissioners, and was the only mode in which the supervision of convicts could be effected. No doubt there was great difficulty in acting on the mere report of a policeman, and where a licence-holder was believed to be acting in violation of his licence, he might, under this Bill, be taken before two magistrates. He would there be entitled to defend himself, the evidence would be given on oath, and the magistrate would adjudicate on the case. In accordance with the recommendations of the Commissioners, when a licence was revoked the holder was not to be subject to go back to prison merely for the unexpired term of his sentence, but would begin at the point when he was discharged, and be liable to serve the whole of the term then unexpired. It was hoped that the provisions of the Bill would make the punishment of penal servitude more deterrent than at present. A photograph of the licence-holder on his discharge would be sent to the police of the place where he goes: he would have to report himself to the police of any county or town to which he might go after his discharge; and when the police had reason to think that he was acting in violation of his licence, they could take him before a magistrate. He had been struck with the difference of the views of the mover and seconder of the Amendment. The right hon. Gentleman the Member for North Staffordshire (Mr. Adderley) objected to the punishment of transportation; the hon. Member for North Hants (Mr. Beach) regretted that it was not carried out to a greater extent. The right hon. Gentleman objected to the principle of the remission of sentences; the hon. Gentleman, on the other hand, concurred in the principle of remission. He would not go over the ground again, but both the English and Irish convict directors had found from experience, that the principle of remission was essential to any good system of penal servitude. He agreed with the Chief Justice that the great object of punishment was the protection of society, and that the reformation of the prisoners was but the subsidiary purpose of penal servitude, the primary one being its deterring effect. But he thought that the two principles might be combined. The principle of the remission of punishment had been in operation for some time, and he believed it to be essential where convicts were subject to imprisonment for a long term of sentence. He thought that if his hon. Friend had visited Pentonville he would have been satisfied that the separate imprisonment was sufficiently severe. It was not intended that any remission of the preliminary term of separate imprisonment should take place, and the whole of that punishment would, therefore, be undergone until the removal of the convict to the public works. He could not but think that the account given by his hon. Friend the Member for Somersetshire (Sir William Miles) was rather highly coloured. He could only say that under no regulation of which he was cognizant could a man, who had been sentenced to twenty-five years' transportation, and ten years' penal servitude, have gained his freedom within the time named. If, however, his hon. Friend would give him the man's name he would make an investigation into the facts. It was desirable to remember what the system of punishment was before penal servitude was partly substituted for transportation. At one time convicts who were sentenced to seven years' transportation, were all retained in the country, and discharged without restraint after undergoing less than half the term of their sentence. With regard to the maintenance of the punishment of transportation, it would have been possible for the Government to have disregarded the remonstrances of the colonists, and to have fully carried out the recommendations of the Commissioners. He regretted that the Government did not possess greater facilities for transporting prisoners. It was an advantage to the prisoner by removing him from a country in which the labour market was overstocked, and it was to the advantage of this country to get rid of him. But the Government could not come to any other conclusion than that which they had announced, unless they had been prepared to enter upon a contest that would have led to much bad feeling between the colonists and the Home Government, which it was most desirable to avoid. He was glad to find that the right hon. Baronet the Member for Droitwich (Sir John Pakington), who was one of the Commissioners, had come to the conclusion that, under all the circumstances of the case, the Government had no other course to pursue than that which they had taken. With regard to the question of diet, a Committee had been appointed, consisting of three medical gentlemen, who had made careful inquiries into the dietary of prisoners in separate confinement, and had made certain recommendations which would be adopted. They would also investigate the diet of the prisoners employed on public works, with a view of seeing whether any reduction could be made consistently with the health of the convicts, and with enabling them to perform the labour allotted to them. The Committee would also inquire into the dietaries of the county and borough prisons. The principle upon which they would proceed would be, that the diet should not be more than would preserve the prisoners in health, while, on the other hand, it should not be a penal diet, in the sense of being injurious to health and life. The hon. Member for Leominster (Mr. Hardy) had referred to the classification of convicts under proper officers and in small bodies. That point had not been lost sight of. A classification of convicts had been made, the staff of officers had been increased, and officers of a higher class, in whom confidence might be felt, would be placed over different bodies. The principle of marks also, by which the industry of convicts might be rewarded, had been adopted. If Parliament should sanction the Bill before the House, he thought that a material improvement would be made in convict discipline.

Major WATERHOUSE said, differing as he did with the right hon. Gentleman who had moved an Amendment to this Bill, he concurred in the main with the views to which the right hon. Baronet (Sir George Grey) had given expression, and he begged to record his appreciation of the importance of the measure. It was a source of great congratulation that no party spirit had been evinced in that debate, and he trusted their future discussions on the Bill would be conducted in a similar manner. He was at a loss to conceive why the system which had been adopted in Ireland should not be admitted in this country. It was true the police organization in both countries was not analogous, but he had no doubt that a wise supervision on the part of the police would be eminently successful in mitigating the difficulties with which we had to contend. He hoped the House and the country at large were not prepared to go back in the course upon which they had entered, that they would not revert to fixed sentences, and that, maintaining the system of remission of sentences, but under a due police supervision, they would accomplish the end which they all had in view. It was alleged that in the country districts it would be impossible for the police to exercise a surveillance; but his own experience led him to the contrary conclusion, though he did not believe it could be carried to the same extent as in Ireland. He and some of his fellow-magistrates of the West Riding of Yorkshire had gone over to Ireland with the object of examining into the Irish system, as it had been organized by Sir W. Crofton, whose services he hoped were now so appreciated that he would soon be placed in a position where his eminent talents would have full scope. Upon their return they introduced into that part of the Wakefield Prison over which they had control—they could not do so with regard to the convict prisoners—some of the privileges accorded to prisoners in Dublin, and the consequence was, they succeeded in establishing a much better discipline, and in effecting at the same time a considerable saving of expense. He hoped their success at Wakefield, owing to a well-regulated system of diet and discipline combined, would be an inducement to others to follow their example. He trusted that for the future licences given to convicts would not be a mere matter of form, but that those who held them would be required to act up to the conditions on which they were granted, and that, if they abused the licence, the same would be revoked and the offenders punished accordingly. There were many ticket-of-leave men in the West Riding who, although not committing crime, were living an idle and dissolute life, and it should be compulsory on the police to take them up accordingly. He should cordially support the Motion for the second reading, should the House go to a division.

Mr. J. BRAMLEY MOORE said, he believed the diet given to prisoners in this country was very much in excess of what was necessary for the support of health. It had been stated with truth that the convicts who had been sent out to Australia were far better fed than the sentinels who guarded them. He was not of opinion that a sufficient supervision could not be exercised over ticket-of-leave men in this country. The system which had been adopted by Englishmen in our colonies might equally well be carried out in the great towns and cities at home. If that system were adopted in this country, the police would be able to tell where every one of the dangerous characters was to be found, and that would be a great safeguard in the administration of justice. It was quite impossible to resume transportation to the Australian colonies on any large scale; and, therefore, it had become absolutely necessary to determine how the resources in this country could be best applied to the control of the criminals at home. In his opinion, the only way to provide an effectual control over them was by placing them under the supervision of the police, and making them muster once in every month. With regard to ticket-of-leave men, he was quite sure that it ought not to be necessary to take them before a Judge and jury to ascertain whether they were escaped criminals, but that the magistrates in petty session ought to have power, on the production of the record, to re-subject them to their original sentence. Sympathy with criminals was all very well in theory, but what ought to be looked to was the protection of the honest part of the community. He thought that the present Bill was a step in the right direction, but it did not go far enough. He accepted it as an instalment of a better measure, which he still hoped to see carried out, and would give his vote for the second reading.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°; and *committed* for *Friday* next.

GOVERNMENT ANNUITIES BILL.

[BILL 11.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. C. TURNER said, there was a strong objection to one of the clauses of this Bill, and he would express a hope that the Chancellor of the Exchequer would not proceed with the Bill at so late an hour (ten minutes past twelve o'clock).

The CHANCELLOR of the EXCHEQUER said, that he proposed only to proceed with that portion of the Bill which was not objected to, referring to annuities, and to take what related to life assurances on another occasion, when it might commence the business of the evening, and a full discussion might be had on it.

Mr. H. B. SHERIDAN begged to observe that Clause 2 was the debatable part of the measure, for it was one by which the Government proposed to undertake the business of life assurance proper to an amount of £100 and under; a question which excited a large amount of interest, and required full discussion. So far as the Bill related to annuities, he had not the least opposition to make, but he had been solicited to request the right hon. Gentleman to postpone the consideration of the objectionable clause until after Easter.

Mr. F. S. POWELL said, he was of opinion that the discussion of an important measure of that description should not take place at so late an hour. He regretted that the name of the Bill should have been so unfortunately selected as not to convey an idea of the real character of the measure. In his opinion, it was one that trespassed upon the domain of private business, and, therefore, that it ought not to be proceeded with, except with great deliberation. He would, consequently, move the adjournment of the debate.

Mr. THOMSON HANKEY said, he could not understand why the House was asked to discuss that measure at that late hour. Before they went into Committee on the Bill, they ought to hear a statement from the right hon. Gentleman, which could not then conveniently be made. He was not prepared to say that he would oppose any of the clauses of the Bill, but he had a strong prejudice against one of them, which might possibly be removed by the explanations of his right hon. Friend.

SIR FRANCIS CROSSLEY said, he was anxious that that stage of the measure should be postponed. The title of the Bill conveyed no idea of its real meaning. Instead of being a Government Annuities Bill, it was a Bill to enable the Government to set up as life insurers; and it must either prove a dead letter, or destroy the existing life insurance offices. He did not see what object was to be attained by dividing the Bill. If the measure only consisted of three clauses, there would be no difficulty in disposing of those which were unopposed when the measure came on for discussion at a future day. He protested against such a measure being hurried through the House, and would suggest that its further consideration should be deferred until after Easter, or, at all events, for a longer period than until Monday next.

MR. HARVEY LEWIS said, he begged to join his entreaties to those which had already been addressed to the right hon. Gentleman to induce him to postpone the further consideration of the Bill. Its effect would be to enable the Government to become a great trading firm, to which the taxpayers of the country would be involuntary parties; and a measure of such importance ought not to be forced on at half-past twelve o'clock at night. The very classes for whose benefit the measure was designed were opposed to it. He had been overwhelmed with letters against the Bill, but had not received a single one in its favour.

SIR MINTO FARQUHAR said, he had given notice of his intention to move the omission of the second clause. He did full justice to the desire of the Chancellor of the Exchequer to advance the interest of the industrial classes, but in his opinion the Bill would not promote that object. The measure would not affect the large insurance offices, but there was a vast number of smaller insurance offices of respectability which were immensely interested in the issue, and those persons who were insured in those offices were proportionally interested. There was an office in London in which the policy-holders under £100 were 175,000, while there was a society for insurance at Liverpool in which there were no less than 345,000 members, which might be affected by the provisions of this Bill. The measure had been pressed on in a manner that was altogether unprecedented, and he was quite at a loss to understand the reason for so much haste. If the right hon. Gentleman wished to pass the first clause he would support him, but the second clause touched upon a great principle, and the statement by the right hon. Gentleman respecting it had been misunderstood. They all knew what deferred annuities were, but as to Government insurances, unless the right hon. Gentleman could show how they were to be effected, the whole matter would require much consideration, and the Bill ought to be postponed beyond Monday.

MR. KINNAIRD said that, in his opinion, the opposition was unreasonable, especially as it related to a mere point of form which they had all understood was to be agreed to in order that a full discussion might take place on Monday. He was sure that the more the measure was discussed the more would its benefits appear.

MR. NEWDEGATE said, that either there was a connection between the two parts of the measure or there was not. He was sure that the right hon. Gentleman was animated by the best intentions in introducing the measure, but as it had created considerable alarm he hoped he would, in justice to himself, proceed with it in a full House.

THE CHANCELLOR OF THE EXCHEQUER said, he had been asked why he had combined two distinct subjects in the same Bill, and his answer was to be found in the history of previous legislation upon the subject. He was prepared to detach the two questions in considering the Bill, in order to give the House an opportunity of fully discussing the main point at a reasonable hour, and if the course which he had proposed were acceded to, he would be prepared on Monday to begin the discussion with the subject of life assurance. He submitted that the course he proposed was the obviously proper one, but if it were desired, he would agree only to go into Committee that night, without passing any of the clauses.

VISCOUNT PALMERSTON said, he hoped that the House would agree to the course which his right hon. Friend proposed; for the only object was to go into Committee, so as to secure the position of the Bill on the order for Monday, when a full discussion could take place.

Debate *adjourned* till *Monday* next.

House adjourned at One o'clock,
till Monday next.

HOUSE OF LORDS,

Monday, March 7, 1864.

MINUTES.] — Select Committee — *Report*— Railway Schemes (Metropolis).

Public Bills — *First Reading*—Punishment of Rape, H.L. (No. 22); Turnpike Roads,* H.L. (No. 24).

Second Reading — Sir John Lawrence's Salary (No. 20).

PUNISHMENT OF RAPE BILL.

[No. 22.] FIRST READING.

The Marquess of WESTMEATH *presented* a Bill to amend the law for the punishment of the offence of rape. His Lordship said, that when a Peer, neither connected with the profession of the law, nor holding office, undertook a matter of this nature, he ought to give sufficient reasons for doing it. He would, therefore, remind their Lordships that when, many years ago, the law on the subject of capital punishments was revised, and the punishment of death for rape abolished, he thought the step so monstrous, that he and another noble Lord, now no more, agreed to offer every opposition in their power to the progress of the measure; and both at the first and second readings their opposition proved so effectual that the measure was carried by majorities of one only in such instance. They felt, as he still felt, that the female sex had not sufficient protection by law in many cases of this description, and that doing away with the punishment of death, without regard to the variety of incidents that might accompany the commission of the offence, was most inconsiderate and inexpedient. He knew it was said at the time that juries could not be got to convict for rape when the punishment was death. He thought at the time, and he still thought, that if a jury chose to disregard the evidence, and disregard their oaths, they were at liberty to do so; but this was no ground, no real reason, for the alteration of the law which was then made. A jury might see some special circumstance to induce them to make a distinction; but that was no reason for doing away with the punishment which time out of mind had been assigned to this abominable offence. However, the alteration was made. But under this altered state of the law, he thought there were cases in which some discrimination should be made between those cases, and cases of an ordinary character. For example, at the late assizes at Sligo, several young men had been found guilty of seizing a young girl at the dead of night, and carrying her off to have her ruin accomplished by one of their companions. They were all sentenced to four years' penal servitude, and the principal offender had previously been sentenced to penal servitude for life. The victim of their brutality, a young girl of respectable appearance, was described as presenting a pitiful spectacle when brought up to give her evidence, and it was only by the repeated administration of stimulants that she could be kept from fainting while telling her story. Here was a case in which the present state of the law was obviously inadequate for the protection of the female sex. In such a case a jury could never refuse to bring in a verdict against the offenders. The proposition which he submitted in his Bill was, that where there were more persons than one concerned in the perpetration of the offence, the punishment should always include whipping. The noble Marquess then *presented* "A Bill for the Amendment of the Law in Cases of Rape."

Bill read 1^a, and to be *printed.* [No. 22.]

KERTCH AND YENIKALE PRIZE MONEY.

QUESTION.

Lord CHELMSFORD, in rising to ask the First Lord of the Admiralty a Question with respect to the Distribution of the Parliamentary Grant amongst the Flag Officers of the Fleet employed in the Expedition to Kertch and Yenikale, said, that in order to render the Question intelligible to the House, he must be permitted to make a few remarks. It would be in the recollection of their Lordships that, during the Crimean war in 1854, an expedition was sent to Kertch and Yenikale, in conjunction with our allies, and that as one result of the expedition a large quantity of various kinds of stores, consisting of coals, guns, steam machinery, and other articles of the estimated value of nearly £200,000, was captured. All the stores were appropriated to the public service; and the captors, of course, expected that the value would be ascertained and the amount distributed as prize money. For some reason or another, however, no claim was made till 1861, when the Government refused to recognize the claim, or to grant the slightest remuneration for services by which the country had so largely benefited. He would do the noble Duke the First Lord of the Admiralty the justice to state, that he fought a good fight for the service over which he presided; that he endeavoured to prevail on the Government to grant a sum of money as remuneration to the captors. A correspondence took place between the Admiralty and the Treasury on the subject, and a difference of opinion arose between these two Departments of the Government, which led to what he supposed he must call, in the words of Shakespeare, "No quarrel, but a sweet contention." In the result, the Treasury was too strong for the noble Duke, and he was compelled to give way. He did not impute any blame to him, but he thought it was to be regretted that he did not give permission to the captors to prosecute their claim in the Admiralty Court. The reasons for the refusal, as stated by the Queen's Proctor, were the lapse of time, and "the capture having been a joint one by the army and navy, and further complicated by having been made in conjunction with the French army and navy, Her Majesty's Government do not consider it expedient that any step should be allowed to be taken by the Court of Admiralty towards obtaining the condemnation of these stores." Thus the only avenue to the obtaining justice was closed. But the opinion of both Houses of Parliament was expressed so loudly in their favour, that Government was obliged to give way, and ask for a grant of money as remuneration for the services of the captors. Accordingly, during the last Session, a sum of £85,925 was voted for that purpose. He thought that the terms of the grant were essential to be considered in determining the question which he had submitted to the noble Duke. The Vote of that sum of money was "for the officers and men employed in the Expedition to Kertch and Yenikale." Now, it was impossible to put any other than one construction on these words. Subsequently to this grant a Royal Warrant was issued, reciting that the grant had been made to "the officers and men comprised in the expedition to Kertch and Yenikale." Now, the words "comprised in" were either equivalent to the words in the grant "employed in," or they were a mis-recital of the grant. The Warrant went on to direct that the money voted by Parliament should be divided among the army and the navy in the proportion of three-fourths to the navy and one-fourth to the army, and it directed that it should be distributable "according to the rules of the naval service," and that if any doubt should arise as to the distribution, or as to any claim relating to the matter, it should be determined by the Board of Admiralty. Now, their Lordships would observe that this Warrant gave no original authority to the Board of Admiralty to decide any question relating to this distribution. It was only in case of any doubt arising that they were to decide as a court of appeal. But the Admiralty instantly assumed the original right of directing the mode of distribution. In ordinary cases of prizes the course was in the first instance to ascertain the proportion of the whole amount to be set aside as the share of the flag-officer or officers. If there were only one Admiral on the station he would be entitled to the whole; if there were two, the senior Admiral received two-thirds and the junior one-third. If there were three or more, then the senior took one-half, and the other half was divided amongst the others. Upon the present occasion the only Admirals employed in the expedition, and therefore the only parties within the terms of the Parliamentary grant, were Lord Lyons and Sir Houston Stewart. The sum, which was found to be the flag share, was £2,856. Of this sum Lord Lyons would have been entitled to two-thirds, and Sir Houston Stewart to one-third. But the Admiralty, taking upon themselves the distribution of the money, divided it into moieties, and gave £1,428 to Lord Lyons, and with regard to the remaining £1,428, they distributed it to Sir Houston Stewart, Admiral Boxer, Admiral Stopford, and Sir Frederick Grey. Now of these Admirals the three last-named were not employed in the expedition at all. Admiral Boxer was at Balaclava, Admiral Stopford at Malta, and Sir Frederick Grey at Constantinople. Therefore, by the mode of distribution adopted by the Admiralty (if the terms of the grant did not include these persons), Lord Lyons had been deprived of about £457, and Sir Houston Stewart of about £595. The Admiralty had taken upon themselves to decide not according to the terms of the grant. Parliament having given this money expressly as a remuneration for the services of the persons employed in the expedition, the Admiralty, assuming, in the first place, a jurisdiction which did not belong to them, had taken upon themselves to divide the Admiral's share according to the ordinary mode of distributing prize money. He admitted that if this were ordinary prize money, the absent Admirals would be entitled to their fair share. The noble Duke might say that the terms of the Warrant justified the Admiralty in the course they had pursued, because by its terms the distribution was to be "according to the rules of our naval service." But, supposing those words meant that Admirals who were not employed in the expedition were to have shares, then he submitted that the Crown had no power whatever to go beyond the terms of the Parliamentary grant, which grant defined the recipients. But there was another interpretation of the words of the Warrant quite consistent with the words of the grant. When the Warrant directed that the distribution should be made "according to the rules of our naval service," it must be taken to mean "according to the shares and proportions to which the parties are entitled under the terms of the grant." That this case differed from an ordinary case of prize money was as clear as anything could be. If this had been an ordinary case of prize money it would have been the bounden duty of the Admiralty, under the 5th section of the Act of 1854, to have set apart a portion of the sum granted by Parliament to our allies, the French. But this was not, and could not be considered as a case of prize money, and the money had all along been looked upon merely as bounty given to the captors. He understood, in the discussion of this subject in another place, that great stress was laid on the terms of the Prize Act of 1854. If he could go beyond the terms of the Parliamentary Grant, he should certainly take the clause of that Act in favour of his view of the question. The clause, for example, provided that in conjoint expeditions of the navy and army against any fortress or position on land, the flag and general officers, and other officers acting in such expedition, should have each such proportions as Her Majesty might direct of all arms, munition, goods, wares, and merchandize as might be found in such fortress or position after final adjudication as lawful prize, and that the distribution should take place in the same manner and proportions as in other cases of lawful prize. It was clear, therefore, that the clause referred solely to persons acting in those expeditions, and gave a right of distribution only among them and no other, so that it was completely opposed to the view which the Admiralty had taken. Lord Stowell, he might add, in two or three of his decisions, had distinguished the captures made in land expeditions by the name of "bounty," instead of "prize;" and so marked is the distinction that Greenwich Hospital has been held not to be entitled, with respect to conjoint expeditions, to a proportion of the money as the naval share, which, in cases of prize, belonged to it under the Act of Parliament. Thus, whether the distribution was looked upon in connection with the Parliamentary Grant, or as having taken place under the operation of the Prize Act of 1854, the decision of the Admiralty would be equally unjustifiable, inasmuch as they had departed from the terms both of the Grant and of the Act of Parliament. What, under those circumstances, he wished to ascertain from the noble Duke was, whether, before the Admiralty came to the determination at which they had arrived on the matter, they had obtained the opinion of the Law Officers of the Crown—he did not mean the special advisers of the Admiralty, but the Law Officers of the Crown, to whom it was usual to refer all questions of importance of this kind. There was another point he wished to put to the noble Duke, and he trusted he would look favourably on the suggestion he (Lord Chelmsford) was about to make. For his own part, he denied the authority of the Admiralty to interfere in the case, because the claim for the distribution being confined to those persons who were actually employed, all that remained to be determined was the proportion to which each of those persons was entitled. But, assuming the appellate jurisdiction of the Admiralty, he wished to point out that the Royal Warrant, although it said their decision was to be final, yet contained a proviso, to the effect that Her Majesty reserved to herself the right of making, within three months of the time when the decision was notified, a different order. He was not sanguine enough to suppose that he had satisfied the noble Duke that his interpretation should be rescinded and a new order made, but he did trust that the noble Duke would allow the question to be determined by an impartial tribunal. He was probably aware that, under the provisions of the 3rd and 4th of the Queen, sec. 22, power was given to the Court o

Admiralty to decide all questions relating to bounty, in cases which might be referred to it by Her Majesty, acting upon the advice of her Privy Council. To that Court, then, he would suggest that the matter should be referred. In the present instance, it happened by accident that one of the Board of Admiralty was personally interested in this matter—and who was, consequently, one of the Judges. Their Lordships would not suppose for a moment that he believed that would have the slightest influence on the decision, or that the gallant officer to whom he referred took any part in it; but they all knew how apt unjust suspicions were to arise; and, in order to remove or prevent them upon the present occasion, he hoped the noble Duke would avail himself of the opportunity he had of allowing the case to be sent into a Court, where it would be decided by a Judge of great experience and undoubted impartiality, whose decision, whatever it might be, would put an end to all doubt and all misapprehension.

The Duke of SOMERSET said, he wished, before he answered the questions which had been put to him by the noble and learned Lord (Lord Chelmsford), to make a few observations on the remarks by which they were accompanied. The noble and learned Lord had in the first instance referred to the Queen's Warrant of the 26th of November, 1863; and the main point was, what was the nature of that Warrant? In his opinion it decided three questions. It in the first place stated, that the grant under discussion was to be distributed according to the rules of the naval service; secondly, that it was to be distributed in accordance with the proclamation of March, 1854—a provision which the noble and learned Lord omitted to notice; and, thirdly, that any doubtful or disputed claim was to be determined by the Board of Admiralty. Now, the noble and learned Lord had truly stated that the grant was given in lieu of prize money; and it should be borne in mind that the naval officers concerned claimed their shares not as bounty but as a right —not as a reward granted by Parliament but under the proclamation of 1854. That constituted the foundation of their right. The property having been taken by the Crown the officers claimed its value; and they argued that, under the proclamation, they were legally entitled to it. But let him suppose that prize was awarded, how would that prize be distributed? Would it have been distributed merely to the captors of Kertch? How had all the other prizes, taken in the Black Sea, been distributed? Why, according to the law of naval prize, and the proclamation of 1854, and if the Admiralty had taken any other course in the present instance than that which they had pursued, they would have broken faith with the whole of the navy engaged in these operations. The proclamation of 1854 stated, that in the case of all prizes taken by any vessel under his or their command, the flag officer or officers should have the 1-20th part of the whole net proceeds, and it went on to make a distinction with respect to the taking of ships of war and privateers. The officers on the station were all to be entitled to participate in any prizes taken while they were on the station. Further on it stated that no such flag officer, quitting any station except by order of the Commander-in-Chief, or for some necessary and urgent service, should share any prize taken by any ships and vessels left behind after he had passed the limits of the station—thus showing clearly that a flag officer so long as he was on the station must share in the prize. Again, the proclamation set forth that any inferior flag officer quitting a station, except under the orders of the Commander-in-Chief, should have no share of the prize money taken by a vessel on the station after he had passed its limits. These carefully worded sentences, inserted in the Proclamation, he contended, plainly went to prove that, except in the cases mentioned, every flag officer was entitled to share in the prize, according to the rules of the naval service. The distribution of prizes, according to the custom of the naval service, was made over and over again in the years 1854 and 1855. In April, 1854, a Russian brig was taken in the Black Sea. In May, 1854, another merchant vessel was taken in the Black Sea. In July, 1854, coals were taken on the coast of Circassia. In August, 1854, a large timber raft was taken. In May, 1855, coals were taken in the Sea of Azoff, and three or four vessels were taken in the same month. In every one of those instances all the flag officers shared in the prize, although Admiral Stopford was at Malta and Admiral Boxer, superintendent of transports and chief officer, in the Bosphorus. As a matter of right they were entitled to share in the large sum granted in lieu of the produce of the captured stores at Kertch and Yenikale, just as much as they were entitled in these small cases to the amount realized upon actual sale. Now, for what purpose was this Parliamentary grant made? The whole case was this—the Government had taken the prize and it would have been very inconvenient to enter upon the question of value five years after the stores had been taken and used. Parliament did not treat this as a case of booty; it simply gave the grant to replace what it had taken; the grant was then divided under the rules of the naval service, and other officers would have been deprived of their just dues if it had not been so distributed. This was not a special grant in lieu of a prize; on that point there could be no mistake. The words of the Warrant were clear—

> "We hereby give and grant three-fourths of the said balance or residue to our Paymaster General on account of naval prize, in trust, to be distributed according to the rules of our naval service, and according to the terms of our proclamation of the 29th of March, 1854, in force for the distribution of naval prize."

That was giving it according to the proclamation, and any other mode of distribution would have been extremely questionable. [Lord Chelmsford: That does not relate to conjoint expeditions.] The cases of Algiers and Acre were cases of conjoint expeditions. In that of Algiers the distribution was made under a special Order in Council, and in that of Acre, Sir Charles Napier took a share—in one half as brigadier general, having been engaged on shore, and a share in the second half as captain in the navy. Those were special cases specially provided for. In this case it was clearly laid down that the money was to be distributed in accordance with the rules of the naval service and the terms of the proclamation; and supposing they had only given the money to the captors of Kertch the rest of the service would have said, where was the proclamation of March, 1854, under which they were entitled to a share? And as to referring to the Court of Admiralty, the Warrant said that if any doubt arose it should be referred to the Board of Admiralty. The Board of Admiralty were accustomed to decide according to naval usage, and as there was no Act of Parliament to be interpreted no legal knowledge was required. Here the Warrant was quite clear, there was no doubt, and nothing for the Court to decide. As to the question about a conjoint expedition making any difference, that was cleared up by the Warrant from which he had quoted. The proclamation of March, 1854, was to be the guide; but the noble and learned Lord seemed to suggest that distribution should have been made in direct contravention of that proclamation.

Lord CHELMSFORD: Is there anything about conjoint expeditions in the proclamation of March, 1854?

The Duke of SOMERSET said, the proclamation reserved the order of distribution for conjoint expeditions; but when the Warrant came it referred to the proclamation, and directed the distribution of the naval portion to be made according to its terms and to the rules of the naval service. By those rules the inferior flag officers were entitled to share, and the rules could not have been referred to if it had been intended that they should not share. According to the words of the proclamation, the decision of the Board of Admiralty was to be final; and he had the authority of the Treasury for saying that the doubtful points to be referred to them had reference to Chelsea Hospital, and not to the navy. At the same time, he admitted that the words of the Warrant might bear another construction. It would not be unreasonable to take the Warrant in the sense that if, in three months, an application was made to the Treasury they should have such power as they pleased to review the decision of the Commissioners. Still he had no doubt that what had been done had been done in perfect sincerity towards the service, and that it was in accordance with the engagement that was entered into with the naval service in March, 1854. The noble and learned Lord had referred to a member of the Board of Admiralty as being interested in the distribution, he could assure their Lordships that Sir Frederick Grey had taken no part whatever in the consideration of this matter. He had purposely avoided having anything to do with it, and no agent on his part had applied to the Admiralty. He himself had never spoken to the Admiral about the matter until after the discussion in another place. The decision of the Board of Admiralty he thought was the right one; and, in fact, under the terms of the Warrant, and of the proclamation, no other decision, he believed, could have been arrived at.

Lord CHELMSFORD asked, whether the noble Duke had consulted the Law Officers of the Crown?

THE DUKE OF SOMERSET said, he had only consulted the solicitor of the Admiralty.

THE EARL OF HARDWICKE said, that Sir Frederick Grey was an officer of distinguished character and high honour, and no one could for a moment have thought that that gallant officer had improperly interfered in the matter. His noble and learned Friend (Lord Chelmsford) had rendered a public service in bringing forward this subject, for he believed it was the first instance in which any question had arisen under the Act of 1854. It was perfectly clear that the noble Duke had placed more reliance upon the proclamation than upon the Act itself; but it was clear the Act of Parliament constituted the law by which they must be guided. The proclamation could not run counter to the Act of Parliament; it could only be based on the Act. By the Act of Parliament joint expeditions of naval and military forces were distinguished from other cases. In the 7th clause the words were "general officers, flag officers, and other officers acting," and it was clear that the word "acting" ought to shut out from the distribution of the prize money officers who were not positively acting in the expedition, some of whom might have been at Malta and some at Constantinople. His noble and learned Friend had wisely advised the noble Duke to take the opinion of the Law Officers of the Crown, that there might be no doubt as to the manner in which the proclamation and the Act of Parliament were to be read together. It would certainly be very advisable to take some steps to obtain an interpretation which would be satisfactory to everyone concerned.

LORD CHELMSFORD pointed out that, according to the principles laid down by the noble Duke, Lord Raglan would have been entitled to a share in the distribution of this prize money, whereas that gallant nobleman made no claim, but allowed it all to go to Sir George Brown, who commanded the expedition.

THE DUKE OF SOMERSET said, he had, of course, no personal feeling in the matter, and if it were thought desirable, he should have no objection to take some steps for obtaining the opinion of the Law Officers of the Crown on the question.

SIR JOHN LAWRENCE'S SALARY BILL.

(No. 20.) SECOND READING.

EARL DE GREY AND RIPON, in moving the second reading of this Bill, said, the object was to enable Sir John Lawrence to receive the allowance granted him by the East India Company during the time he received his salary as Governor General. The Bill was in exact accordance with the precedent of Lord Hardinge.

Bill read 2^a, and *committed* to a Committee of the Whole House *To-morrow.*

RAILWAY SCHEMES (METROPOLIS). REPORT OF THE SELECT COMMITTEE.

Report of the Select Committee on Railway Schemes within the Limits of the Metropolis *considered.*

EARL GRANVILLE: My Lords, I have to state to your Lordships that the Joint Committee of both Houses of Parliament, of which I had the honour to be Chairman, took the various schemes laid before Parliament for lines of railway within the metropolis into careful consideration. We had all these schemes before us; all their details were fully discussed, and I have the satisfaction of stating to the House—as I believe I have already briefly stated on a previous occasion—that very great harmony existed among all the Members of the Committee. With a single exception, all their recommendations are unanimous. We found that those schemes were of vast magnitude for so limited an area as the metropolitan district. The new railways proposed to be constructed within that area extended over a length of 174 miles in the aggregate, and involved the raising of capital to the amount of about £44,000,000. It was, of course, impossible all that mileage could be constructed, or all that capital expended for metropolitan railways, because many of those schemes were necessarily competing schemes. At the same time, my Lords, it must be confessed that there was sufficient cause for considerable alarm among the holders of property in the metropolis, and much reason to apprehend that, if any large number of these lines were sanctioned, the traffic of many important public thoroughfares would be seriously interfered with during the construction of those works. Those schemes, as they came before us, included the construction of no less than four new railway bridges across the Thames, two of them—and these of a very large size—being intended to cross the river below London Bridge. It was stated, on the part of some of the civic authorities, that the lands and buildings scheduled in the City of London for the proposed railways comprised about one-fourth of the entire area of the City. The Committee found it convenient to adopt as the basis of their proceedings the recommendations of the Select Committee of your Lordships' House which sat last Session; and I think it will be satisfactory to your Lordships to find that, though in many cases we did not adhere to the letter of those recommendations, there is not, that I am aware of, any case in which we departed from their spirit. The Committee divided the Bills before Parliament into three classes, two of which they recommend should be proceeded with in the ordinary course. The first of these is composed of schemes which are only improvements of existing lines of works, such as the enlargement of stations, or the making of additional links, or improving lines already constructed; the second is composed of schemes which contribute towards the formation of an inner circuit, one of the recommendations of the Committee of last Session. With respect to these two classes the Joint Committee propose that the usual course shall be taken and that they shall be referred to Select Committees, subject, however, to certain recommendations. The third class is composed of schemes which we thought should not be pursued at all this year; and it is now my duty to point out to your Lordships the character of this last class. The first two lines comprised in it were the "Victoria Station and Thames Embankment" and the "Oxford Street and City," which it was proposed to work on the pneumatic principle. Now, there is possibly no reason why we may not travel some day underground on this principle, and in a satisfactory and comfortable manner; the experiment of this principle has not yet been made as regards railway passenger carriages. It has been tried for the conveyance of parcels in a small tunnel; but even in this case only to a limited extent. Under these circumstances, we did not think it would be prudent to have the experiment made on a scale of the magnitude of that proposed by those Bills, more especially when the works would interfere with the traffic in crowded thoroughfares of the metropolis. The next line in this class was the "London Main Trunk." It proposed to provide a more central station for the Great Eastern Railway. The Select Committee of last year recommended that the Great Eastern Company should be allowed to establish a more central station than it has at present; but this object is sought to be accomplished by the Great Eastern Company itself through another Bill. The "Metropolitan Grand Union—the portion south of Thames Street," we have also included in this list. It would involve a high-level bridge over the river below London Bridge. The "Charing Cross Northern" and the "Tottenham and Hampstead Junction (Extension to Charing Cross)" both presented this objection to the Committee—that they tended to create a great central station at Charing Cross. The "Tottenham and Farringdon Street Railway" was open to the same objection as regarded Farringdon Street; and, in addition to other objections, the "Charing Cross (Western)," the "London Union," and portions of the "Metropolitan District," would require the construction of bridges across the Thames—one a high-level below London Bridge. I may observe, in relation to those schemes, that though we have recommended that portions of lines which were designed to form an outer circuit should not be proceeded with this year, we concur with the Committee of last Session in thinking that such a circuit is desirable; but from some of the evidence given to the Committee, particularly that of the Secretary of the London and North Western Railway Company, it appeared to us that this object might be accomplished by connecting the existing railways on the eastern side of the metropolis with one another by certain small links, and connecting such of them as are situated on the north side of the Thames with the railways on the south side by means of the Thames Tunnel. Certain arrangements between several of the railway companies would be necessary in order to carry out this scheme, and we think a legislative enactment may be necessary in order to secure an interchange of facilities on equal terms between the parties necessarily interested. As we recommend that the parties promoting the lines in the last of the three classes to which I have referred should not be allowed to proceed in the usual way, we have thought it only reasonable to further recommend that the fees which have been incurred by them in respect of those Bills should be remitted. With these observations I beg to move—

That the following Bills be not proceeded with in the present Session—namely, Victoria Station and Thames Embankment Railway, Oxford Street and City Railway, London Main Trunk Underground Railway, Charing Cross (Northern) Railway, Charing Cross (Western) Railway, Tottenham and Hampstead Junction Railway (Extension to Charing Cross), London Union Railways, and Tottenham and Farringdon Street Railway.

Motion *agreed to.*

Ordered, That the Fees which have been incurred in respect of the said Bills be remitted.

Ordered, That the said Report be referred to all Select Committees to which any Railway Bills within the Limits of the Metropolis may be referred in the present Session.—(*The Lord President.*)

House adjourned at half past Six o'clock, till To-morrow, half past Ten o'clock.

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HOUSE OF COMMONS,

Monday, March 7, 1864.

MINUTES.]—Select Committee—On Public Accounts *nominated.** (*List of Committee.*)

Public Bills—*First Reading*—Common Law Procedure (Ireland) Act (1853) Amendment* [Bill 43].

Second Reading—Mutiny*; Marine Mutiny.*

Committee—Government Annuities [Bill 11], *Debate resumed, and further adjourned;* Warehousing of British Spirits [Bill 19], R.P.; Land Drainage (Provisional Orders)* [Bill 25]; Bills of Exchange and Promissory Notes (Ireland)* [Bill 38].

Report—Land Drainage (Provisional Orders)*; Bills of Exchange and Promissory Notes (Ireland).*

Considered as amended—Inclosure* [Bill 26].

AFFAIRS OF CHINA.—QUESTION.

Mr. LIDDELL said, he rose to ask, When the Papers on China, which have been so long promised, will be presented to the House; and also whether the noble Lord at the head of the Government will feel disposed to give the House an opportunity of discussing these very important Papers? Judging from the Papers already presented, the House will probably feel it their duty to ask for further inquiry.

Mr. LAYARD stated, in reply, that the Chinese Papers were in a very advanced state of preparation, and would, he hoped, shortly be laid on the table of the House. In the absence of the noble Lord at the head of the Government, however, he could not say when an opportunity would be afforded of discussing them.

Afterwards—

Mr. LIDDELL said, he would beg to

ask the noble Lord at the head of the Government, Whether he will be disposed to grant any facility for the discussion of the important Correspondence relative to China?

Viscount PALMERSTON replied, that it was too early in the Session for the Government to give a day for the discussion of the Papers relating to China, as other opportunities before the end of the Session would present themselves for any debates that might be desired on the subject.

UNITED STATES—CONFEDERATE CRUISERS.—QUESTION.

Mr. R. LONG said, he would beg to ask, Whether a ship belonging to the Confederate Navy would have the same right to search and make prize of an English vessel carrying contraband of war to a Federal Port that a Federal war vessel would exercise in the case of a British ship carrying contraband of war to a Confederate Port; and, if not, whether such partiality in favour of one of two belligerent Powers is reconcilable with the "strict neutrality" professed by Her Majesty's Government?

The ATTORNEY GENERAL, in reply, said, there could be no doubt whatever that a Confederate vessel would have exactly the same right to visit, search, and capture a British vessel carrying contraband of war to a Federal port as a Federal vessel would to act in like manner to a British vessel carrying contraband to a Confederate port; but it should always be remembered that neither Federal or Confederate was entitled to make any such capture except for the purpose of taking such ship for adjudication before a competent Prize Court.

THE "PAMPERO."—QUESTION.

Mr. DALGLISH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Government are prepared to accept from the owners of the *Pampero* and other steamers seized by the Government, on the plea that these vessels are intended for the Confederate States of America, a similar assurance to that which the Government have declared themselves satisfied with when given by the Danish Ambassador? Since this ship has been before the Courts, she has been offered to Her Majesty's Government for sale?

Mr. LAYARD: I think, Sir, the House will see that the cases are not at all similar. In the one case, the Danish Minister, before hostilities commenced, wishing to spare Her Majesty's Government all the embarrassment possible, came forward and gave the fullest information that a vessel was being constructed for the Danish Government. In the other case every kind of subterfuge, not to use a stronger word, was used, and every means for evading the law was had recourse to, and as a last resource the parties concerned wished the Government to enter into a similar arrangement to that which they had entered into with the Danish Minister, but Her Majesty's Government declined. In the case of the Danish Minister he gave his diplomatic guarantee, upon which Her Majesty's Government placed the fullest reliance; but in the other case I doubt whether any guarantee could be given upon which Her Majesty's Government could place reliance.

GREENWICH HOSPITAL—QUESTION.

Sir JOHN HAY said, he rose to ask the Secretary to the Admiralty, If he will lay upon the table of the House Sir Richard Bromley's Report upon the organization of Greenwich Hospital, with any other Papers which may have been received from the Commissioners of Greenwich Hospital, or the Officers of the Establishment, in consequence of that Report?

Lord CLARENCE PAGET, in reply, said, the Report of the Commissioners of Greenwich Hospital was now under the consideration of the Admiralty, and after Easter he hoped to be able to state what course they intended to adopt with regard to it.

DENMARK AND GERMANY—INVASION OF JUTLAND.—QUESTION.

Mr. DISRAELI: Sir, as I see the noble Lord at the head of the Government in his place, I wish to ask a question respecting the invasion of Jutland. I should like to know whether the noble Lord has any authentic information on the subject which he can communicate to the House. The particular reason for this inquiry is, that two statements have been made by the two leading Members of the Government in the two Houses of Parliament, and these statements are apparently quite contrary in their sense. We understood the noble Lord, when the matter was brought before the House, to say that he considered the invasion of Jutland on the part of the German Powers an aggravation of the outrage and injustice already committed. But when the same question was addressed to the noble Lord the Secretary for Foreign Affairs in the other House, he seemed to state that he had received formal information from the Prussian Ambassador of the intended invasion of Jutland, that the Prussian Ambassador stated that the intended invasion was in consequence of the order of the Danish Government to capture German ships, and that that order had rendered it inevitable that the war which theretofore had been local should become more general. It seemed by the accounts which had been given, that the Secretary of State accepted that interpretation of the conduct of the German Powers, and communicated it without any protest to the Danish Government. Under these circumstances, seeing that the invasion of Jutland appears still to be pursued, and remembering the original statement of the noble Lord upon the subject, made a few nights ago, I should be glad to know, Whether the noble Lord can communicate any authentic information upon the question, and also what the House may consider the real view which Her Majesty's Government take of the conduct of the invading Powers?

Viscount PALMERSTON: Sir, the accounts we have had of the invasion of Jutland have been exceedingly contradictory, and therefore I am somewhat at a loss to give a definite answer to the question of the right hon. Gentleman. As I have already stated, we were told that the frontier of Jutland had been passed contrary to orders, and that a reprimand had been sent, but it was since represented that, nevertheless, sanction had been given to that violation. I believe that, as the matter now stands, the Germans wish to gain possession of the town and fortress of Fredericia, which commands the narrow channel between the mainland of Jutland and the Island of Funen; and, no doubt, one answer given in reference to the invasion of Jutland was that mentioned by the right hon. Gentleman — that, as the Danes had retaliated on the Germans by taking German merchantmen, that gave a character of mutual hostility which, under the invasion of Schleswig, was only a friendly act, and that retaliation altered the position of the relative parties. Another ground mentioned for the occupation of a portion of Jutland was, that it was necessary for the purpose of protecting

German troops from being harassed by the Danes from the north of Jutland and from the Island of Funen. As the right hon. Gentleman wishes to know the view taken by the Government on the subject, I may state that the view we take is, that the whole matter with reference to the military operations beyond the Eider is an outrage on the independence of Denmark, and that violence is not justified by the state of things, inasmuch as the excuse given for it was, that the Germans wished for a material security for the revocation of the common constitution, and the Danish Government had intimated their intention to comply with the request to that effect before Schleswig and Holstein were entered. Therefore any extension of the occupation of Danish territory is an outrage, whatever excuse for it may be given. It was unnecessary for my noble Friend (Earl Russell) to enter into any controversy with the Prussian Government with respect to degrees of aggravation in reference to this matter. The Prussian Government know our opinion as to the main matter of fact, and it was quite unnecessary to squabble as to the particular steps taken in aggravation of their original violence.

DENMARK AND GERMANY. INTEGRITY OF THE DANISH MONARCHY—THE FRANKFORT DIET AND THE CONFERENCE.

QUESTION.

Sir CHARLES DOUGLAS: I wish Sir, to put a Question with reference to the Frankfort Diet, and the proposition Her Majesty's Government made thereto in case of a conference taking place. It appears from the usual sources of information that a contradiction has been received of that statement, and I beg leave to ask Her Majesty's Government, What are their views with regard to that matter?

Viscount PALMERSTON: Her Majesty's Government originally proposed to the Diet, as well as to other Powers, that there should be a Conference, but that proposition fell to the ground, because it was founded on the establishment of an armistice. Latterly, the British Government proposed to Austria and Prussia a Conference without an armistice. France and Russia concurred in that proposal, and the Government now wait for an answer from Denmark, and defer any communication with the Diet until they see their way to a Conference.

Lord JOHN MANNERS said, that the noble Lord made a statement the other evening as to the answer he expected to receive from the Diet to a proposal forwarded to them, and the noble Lord gave the House to understand that the Diet was so divided into two camps, which he characterized by rather an unusual phrase, that no answer had been received to the communication, which the House was undoubtedly led to believe had been recently made to the Diet on the part of the British Government.

Viscount PALMERSTON: I must, Sir, have mis-expressed myself if I led the noble Lord and the House to understand that a recent communication had been made to the Diet. No recent communication has been made to the Diet founded upon our late proposal of a Conference without an armistice. What I stated was just the fact, that, with regard to any proposal to send a Representative to a Conference, a certain number of States who were parties to the Treaty of 1852 should be invited to be represented at it, a large proportion of those States being of opinion that the integrity of the Danish Monarchy should be maintained.

Mr. SEYMOUR FITZGERALD: I would beg, Sir, to ask, Whether we are right in understanding that a direct proposition was made by Her Majesty's Government to the Diet of Frankfort to agree to a Conference, founded on an armistice; and whether we are right in understanding that a direct reply was made to that proposition?

Viscount PALMERSTON: I cannot charge my memory with the exact nature of the proposition to the Diet, or where the Conference was likely to be held. We asked them to send somebody to attend that Conference, as some of the Powers were anxious that the Diet should send a Representative. A difficulty has been felt as to the selection of the person. Two gentlemen have been named, and one of them was Baron Beust, but no determination has been come to.

GOVERNMENT ANNUITIES BILL.

[BILL 11.] COMMITTEE.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [4th March], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate *resumed.*

Mr. SPEAKER said, he would remind the House of the exact position of things with respect to this subject. The hon. Member for Dudley (Mr. Sheridan) who had a notice on the paper in reference to the Bill, gave it up last Friday on the understanding that a certain clause of the Bill would not be proceeded with that evening. The hon. Gentleman spoke on that point, but not at all on the general subject of the Bill, and the right hon. Gentleman the Chancellor of the Exchequer also replied, not on the subject of the Bill, but merely with regard to the proposed arrangement. The hon. Member for Cambridge (Mr. Powell) then moved the adjournment of the debate. Now, according to the strict rules of the House, the hon. Member for Dudley, and the right hon. Gentleman the Chancellor of the Exchequer, would be considered as having spoken on the main question, and it would be his duty to enforce the rules of the House, unless otherwise directed, and he therefore desired to know whether, under the circumstances, it was the pleasure of the House to put those two hon. Gentlemen into a position to speak on the main question?

Mr. DISRAELI said, he thought it would be very inconvenient if the two Gentlemen who, perhaps, were best informed on the subject, should be precluded from speaking on it, and he trusted after the proper notice taken of the matter by the Speaker, the House would consent to allow the two hon. Gentlemen to speak on the main question.

The CHANCELLOR of the EXCHEQUER said, he was entirely in the hands of the House. He confessed that he was anxious to make a statement in regard to the Bill, and he thought the time had come for so doing if he were allowed.

Mr. H. B. SHERIDAN said, he understood that the hon. Baronet the Member for Hertfordshire (Sir Minto Farquhar) had a proposition to make to the right hon. Gentleman (the Chancellor of the Exchequer), which would render unnecessary any decision on the merits of the Question. That proposition was, he understood, to refer the debatable part of the Bill to a Select Committee. If the right hon. Gentleman would accede to that proposition, he thought much time would be saved, and a discussion on the matter now would be unnecessary.

Sir MINTO FARQUHAR said, he thought that the best course would have been for the hon. Member for Dudley (Mr. H. B. Sheridan) to have made his statement to the House, and after him the right hon. Gentleman (the Chancellor of the Exchequer), and then it would have been competent for him (Sir M. Farquhar) to move an Amendment for referring the Bill to a Select Committee. That, he thought, would be the most convenient course.

Viscount PALMERSTON: I would suggest that the most convenient course would be that the House should at once go into Committee on the Bill, and that my right hon. Friend should, in Committee, make that statement with respect to the clause which can be made most regularly in that stage. My right hon. Friend will not press the House for any decision upon the clause to-night, but will postpone it to some future day. In this manner the House will, I think, have a better opportunity of fully discussing the Bill than when you, Sir, are in the chair, and no time will be lost.

Lord JOHN MANNERS: It appears to me that the object of my hon. Friend (Sir Minto Farquhar) will be entirely frustrated by such a course of proceeding. He proposes, rightly or wrongly, that the Bill shall be referred to a Select Committee, but the noble Lord proposes that the House shall go into Committee to discuss the first clause.

The CHANCELLOR of the EXCHEQUER: In that case there can, I think, be no doubt as to the best course to be pursued. I was not at all aware that it was intended to propose that the Bill should be sent to a Select Committee. I should have expected that due notice would have been given of it. [Sir Minto Farquhar: The intention was formed only this evening.] I presume, then, it will be better that, with the permission of the House, I should proceed to make my statement now. I must, however, beg the House to observe, that I am placed in the peculiar position of having to make a statement, not on the Bill generally, but on a particular clause of it, on the Motion that the Speaker do leave the chair; and that, when I have made my statement, I shall not be able to offer any explanation in answer to the comments or the inquiries of hon. Members. With these few introductory words, I will just state to the House the history of this proposal, which is a very simple one. The Legislature has thought fit to appoint a public officer, whose business it is to register from time to time certain facts with regard to the condition of Friendly Societies, and to make an annual Report to the Government on that subject. In the autumn of last year, when, of course, Parliament was not sitting, that annual Report was printed and circulated. It recorded a great number of failures on the part of Friendly Societies, and many very gross abuses and violations of trust. It was also filled with a multitude of complaints from persons in all parts of the country, as to the position in which they found themselves placed by the operation of the rules of many of these Societies. The question seemed to be of such importance, and had reached such a state of maturity, that it became the subject of prolonged discussion in many of the newspapers. Two of the most important journals—*The Times* and *The Daily Telegraph*—published articles calling attention to what they deemed the dangerous and scandalous condition of many of these institutions. It had often been suggested to me that the subject of small life assurances, having already received in principle the sanction of Parliament, ought, under present circumstances, again to be considered by the Government. On adverting to the nature of the facts which had been brought forward through the medium to which I have referred, and also through the other media of judicial proceedings and the like, I came to the conclusion that it was the duty of the Government to render real and operative a provision of the law which had hitherto remained inoperative. And here I would desire the House to remember the circumstances under which I introduced the Bill. I brought it forward at the opening of the Session, when I thought it most likely that hon. Members would have leisure to give full attention to it, and I did so in a manner unpresuming, and not aggressive. I deemed it my duty to avoid painful discussion in regard to the condition of institutions which claim, and, to a certain extent, receive, the public confidence. I did not say a single word, or if I did it was in a very brief and general way, in allusion to the state of these bodies being such as to require the attention of Parliament. I do not mention that to commend myself, but in order to point out the different position in which I am now placed. There is no one, I should imagine —at least, I know of none—who thinks that savings banks, or the grant of annuities or assurances for the people, are matters with which it is desirable abstractedly for Government to deal. If it could be said that the operation of the great law of supply and demand is generally satisfactory and sufficient, and that the failures which occur are incidental to the principles on which commerce must be conducted, that would be a conclusive condemnation, not merely of the proposal which I now make, but of the law you passed two years ago for Post Office savings banks, which interfered distinctly with a certain portion of the banking business of the kingdom, and also of the laws as to the grant of annuities and the old savings banks.

Complaint has been made as to the alleged hurrying on of this Bill. It has been said that it has been pressed forward in an unprecedented manner. What are the facts? Notice was given of it on the first day of the Session. The Bill was introduced on the 11th of February, it was circulated immediately afterwards, it was read a second time on the 15th; delay was asked for on the 19th by the hon. Member for Dudley; and now, on the 7th of March, it is surely not unreasonable for me to ask leave to bring the provisions of the Bill before the House.

Before, however, I proceed to discuss the particular provisions of the Bill, I wish to put aside two points, important in themselves, but of which it is desirable to disembarrass any general consideration of the question, as they are purely collateral, and points for which other provision will be made. Inquiry was very properly made when the Bill was first presented, whether we proposed to compete with the Insurance Offices, availing ourselves of the advantage of certain legal exemptions from duty, which must be in the nature of a premium on the business we did, and a penalty on the business of the offices. My answer is that we make no such proposal. We intend that we shall be compelled to do any business in this department under precisely the same conditions which rule independent Assurance Societies. The other objection to which I refer would, I admit, have had the greatest weight had it not been aimed at an intention which did not exist. It has been justly observed that the operation of life assurance and of deferred annuities is directly the reverse of the operations of life or terminable annuities, properly so called—I mean those which are of immediate commencement, in its bearing on the National Debt. When the Government sells an immediate annuity, whether for life, or for a term of years, the effect on the National Debt is this:—The price received for the annuity is immediately applied to the extinction of stock, and that stock being extinguished, the result is not a diminution but an increase of the annual charge, with this difference, that you have a temporary in lieu of a permanent obligation. Although there is thus an augmentation of the temporary charge, there is an ultimate diminution in the capital of the debt. Now, if we observe the converse process, and the law of a deferred annuity does observe it, the operation is this:—You receive money as a premium for the purchase of a deferred annuity or a life assurance, and if you were to apply the price received to the extinction of stock, you would be getting rid of a present charge, but contracting an ulterior and distant liability. That would be a very bad financial arrangement, and, therefore, it is part of my plan, that in a separate Bill, which the House will be able to discuss before the present measure passes through its stages, I will propose that stock which may be purchased by the premium on a deferred annuity or life assurance shall not be extinguished, but shall be held, so that there shall not be a present relief at the expense of future liability.

I am not here to deny that every proposal which involves an assumption on the part of the Government to transact any business whatever on behalf, not of the State but of itself, is a fair subject for adverse criticism. Every such proposal calls for the careful and even jealous scrutiny of the House, and cause must be shown for it in a double form—first of all, that there is an evil to be redressed, and second, that the means proposed for its redress or mitigation are in themselves practicable and unobjectionable. Government interference is a matter in regard to which my own prepossessions are at least as strong as those of most members of the House. We have seen it largely adopted within our own generation. The highest form in which it has been carried out is that of positive regulations requiring this thing and that thing to be done in the course of private commercial arrangements, for the sake of obviating social, moral, or political evils. That is the highest form of Government interference. Of such a nature were some of the provisions in the Factory Acts and many of our sanitary arrangements. There is here, undoubtedly, a very great interference with the liberty of private action, and this interference has been eminently characteristic of the present period. I will not say whether, in any case, it has not been carried too far, but, on the whole, it has been adopted by Parliament, not from any foregone conclusion in favour of that mode of meddling with private concerns, but, under a sense of the exceedingly grave evils to be remedied, and that we are not able to obtain the same result by any other means. I am bound to add that I believe it has been, in general, beneficial. The second kind of Government interference—less high than that to which I have referred—has been interference by sheer naked prohibition. You have prohibited by your Factory Acts the employment of children beyond a certain number of hours, and the employment of young persons beyond a certain other number of hours. That, likewise, is an important interference with private liberty, but it is an interference as to which it may be said that the Legislature is now almost unanimous with respect to the necessity which existed for undertaking it, and with respect to the beneficial effect it has produced both in mitigating human suffering and in attaching important classes of the community to Parliament and the Government. Now we come to the third, and, I must say, the mildest description of Government interference. It is the description with which we have now to deal, and it amounts simply to this, that by the interference of the Government you enjoin nothing and you prohibit nothing, but you offer to such numbers of the community as may be disposed to avail themselves of your proposal certain facilities for what I may call self-help. These are the precise limits of the plan which I have now to explain and to defend before the House. I do not deny that it is Government interference, or that it requires justification and apology; but I do deny that we are to be frightened and terrified by clamours respecting centralization, or respecting undue assumption of powers by the Executive, so as not to inquire into the true merits of the case, the position in which we stand, and the duty we owe to our constituents and the country. All that is requisite in such a case is to show that what the Government proposes to do it can do safely, and likewise that what it proposes to do it can do justly.

But, Sir, a notion has gone abroad which I am anxious to sift rather strictly, that this is a proposal novel in principle, that it is an invitation to Parliament to take upon themselves responsibilities where, at the present moment, they have no responsibilities at all. Is that so? I do not refer now to the simple fact that there is a clause existing in an Act of Parliament which enables the Government to grant life insurances. That clause has been up to the present time inoperative. Whether it will continue so with the existing machinery I do not now inquire. I do not refer to that clause at all; that is a small portion of the responsibility which Parliament has undertaken. I venture to tell the House that this Bill has grown, not out of a consideration of the case of Assurance Societies, but out of a consideration of the case of Friendly Societies, and of the wholesale error, but not error only, for along with error, deception, fraud, and swindling, which are perpetrated upon the most helpless portions of the community, who find themselves without protection and without defence. I want to know what are these Friendly Societies, because to my astonishment I received a deputation from two of the largest of them on Saturday, who said, "We appeal to you not to interfere with private trade and private enterprize?" Private trade and private enterprize, forsooth! Why, these Friendly Societies are virtually and substantially subsidized by the Government; and I will tell you how. They are subsidized in two forms. First of all, as to the large number of them which date before a certain period, they are subsidized by the positive payment to them of money grants every year in the shape of an interest which we are compelled to pay, and which we cannot make. The rate of interest which at the National Debt Office we are compelled to pay to such Friendly Societies as existed before 1828 is £4 11*s.* upon every £100 of their money. That is equivalent to a payment of little short of £1 10*s.* per annum upon every £100 out of the purse of the State in support of certain Friendly Societies. With respect to those founded up to 1844 the rate of interest is not £4 11*s.* but £3 16*s.*, which, though not so large a sum, is an interest that it is totally impossible for the public to make. Secondly, I contend, without the least fear of contradiction, that all the exemptions given to friendly societies are grants. I used an argument to that effect last year in the case of charities, but it was contested by some hon. Gentlemen, who denied that the exemptions given to charities were to be considered as grants. I adhere to my own opinion; but I do not wish to revive the controversy. The proposition I now make does not require me to do so. Let the House observe that there are two parties doing the business in which we are said to interfere—societies which are under the Friendly Societies' Act, and societies which are not under that Act. Every society which is not under the Friendly Societies' Act is subject, through its members, to payment of income tax, to payment of probate duty on life insurances, and to payment of stamps. Societies under the Friendly Societies' Act are exempted from payment of stamp and probate duty absolutely under £50, and from £50 up to £200; if any party chooses to exercise the right of nominating a relative before he dies, he is exempted from stamp and probate duty. I hold, therefore, that it is too late to say that we are not responsible with respect to Friendly Societies. They are not operating upon the common principle of the liberty of the citizen to turn to the best account the means of which he is possessed. They are societies operating to a great degree through the medium of these exemptions from taxes, which place them on a footing of favour and advantage as compared with their competitors, and which are precisely the same, in effect, as if we were to put them under an equality of taxation, and then to return them the money out of the Exchequer in the shape of public grants. Such being the state of the law, when we found that to these Friendly Societies we are making yearly payments in hard money, giving them 40 or 50 per cent more than we derive from the use of their funds, when we found that we exempt them from taxes which every other citizen is compelled to pay, we had no difficulty in coming to the conclusion that we are responsible to a considerable degree for the safety and condition of these societies. We saw that the case is no longer like the case of Loan Societies, which may be conducted upon unsound principles; for under various pretexts we stimulate, we force the production of Friendly Societies, we aid and encourage them to every practical intent and purpose; and when we have done that it is too late to say that it is something novel to propose to look at the condition of these societies, and to see whether it is possible, by any means, to mitigate the evils they have produced.

Sir, I think it will appear that we have chosen a very mild form of intervention, and that we have chosen a proper time for the remedy. Whether there be any other remedy I shall consider presently; but what I wish to point out now is, that the remedy we have chosen is precisely analogous to that adopted with respect to Post Office savings banks. I am not speaking of the difficulties we have had to encounter in the two cases —they will come by-and-bye, but I say that the principle of the remedy is the same in both cases. In the case of the Post Office savings banks, we had to deal with Loan Societies offering the most attractive terms to the public, promising them a rate of interest which could not possibly be paid under any sound or honest management, and then ending in disappointment and ruin. We did not attempt the foolish task of prescribing laws by which all Loan Societies should be regulated, and under which alone the poorer classes of the community should be permitted to lend their money. That was totally impossible. You could not possibly defend the poor man against the abuses and dangers into which he might choose to run head foremost with his eyes open; but what you did was this:—You said, "It is but just to them, and it is expedient and politic in the highest sense, in discharge of the most sacred duty of the Legislature, that we should give to poor men, to the owners of small savings, the advantage of a scheme which will possess no meretricious attractions, which will not promise a high rate of interest—on the contrary, the rate must be a low one—but which will offer an absolutely certain security." That is precisely the basis of the scheme now before the House. I think I may take it for granted that very serious and extensive mischiefs exist.

That being so, the two main questions which we have now to consider are these—first, is the plan we propose a safe plan; and secondly, does it involve injustice? If our plan is both safe and just, I hold it ought to be adopted. With regard to the safety of the plan, I hope the House will not think I am going too far when I say that we have some claim to confidence. I would not venture to say so if I were urging that claim on behalf of myself, or of any particular party, or of any particular Government; but the truth is, that the whole credit of the arrangements under which recent measures have been worked out is due not to us, but to able men connected with the permanent Civil Service establishments. It is due to such men as Sir Alexander Spearman, Mr. Chetwynd, of the Post Office, and, above all, that indefatigable and most able public servant, Mr. Scudamore, of the same establishment. These are the men to whose judgment and ability we owe the success of recent legislation, and in whom, I am sure, the House will be disposed to confide. I admit, however, that the House may fairly feel great jealousy in approaching the discussion of the proposal now before it. Nay, more, I am willing in any way to meet that jealousy. I will endeavour to meet it, in the first place, by offering such explanations as I have it in my power to submit to the House; and, in the second place, I will meet it by saying that I should not object to provide in the Bill, if thought desirable—though, for my own part, I cannot say that I believe it to be necessary—that any rules which may be adopted for the purpose of giving effect to the provisions of this Act shall be subjected to the scrutiny and approval of this House, in the same manner as are now the Minutes of the Education Committee of the Privy Council. So that the House will have an opportunity of judging before a rule comes into operation, whether it is a safe and wise rule, or not. I meant that partly as a compliment to my right hon. Friend, who, I believe, intends to-morrow to avail himself of that power and to question an important minute of the Privy Council on Education. But this subject is one which readily admits of an ample and a general discussion.

It is easy to see in what manner danger may arise from working a scheme of this kind. It may arise, first, from fraud in respect to the badness of lives, and second, from personation. There are parts of this country, I am told, though I will not point them out more particularly, where the inhabitants are such adepts in the art of personation that some of the Insurance Offices decline to have any transactions at all in them. Let me point out what I conceive to be the fundamental distinction between the business which it is proposed that the Government shall undertake at the option of the public and the ordinary business of Life Assurance Companies. Let me ask the particular attention of the House in considering the supposed difficulty we shall have to meet in dealing with the lives of the labouring classes; for we should look exactly at the province naturally marked out for a proposal of this description. If the assurances are not to exceed £100 they will—with exceptions so few that they may be put out of sight—be those exclusively of the working classes. We exclude children and young persons under sixteen altogether, because such lives are of a character admitting of a good deal of uncertainty and fraud, and form a department of business which we do not think it would be wise or safe to undertake. Practically, then, those who will insure their lives with us will be fathers of families, labouring men. Is it very difficult to ascertain the value of such lives? I allege, without fear of contradiction, that it is not. In the first place, we have the means of doing it, either through the medical profession generally, as far as their certificates are concerned, or through those special medical officers attached to the guardians of the poor, who are themselves officers of the State. As far, therefore, as medical means go, we have all that can be desired; but what I venture to say, and say boldly, is this: That although the ascertainment of the value of life in the higher classes of the community is a matter of great subtlety and difficulty, requiring first of all the application of the highest medical skill, and afterwards a jealous scrutiny besides, yet the value of life in the case of a labouring man is a matter of comparatively simple calculation. You have to know three things, each of them easily ascertainable. The first is his age—a matter of fact, and beyond opinion; the second is his employment, also a matter of fact, not of opinion; and the third, is he a sober man, not a drunkard? These, I repeat, are the only three things to be ascertained with regard to a labouring man. Of course, I do not say that in every individual case you will know the value of the life, but that you will generally know it quite accurately enough to work your tables. Some time ago I had an opportunity of discussing this point with an eminent member of the medical profession in London, himself the consulting medical officer of two Assurance Offices. I asked him whether that was the case. He said it was, and he used these words:—"In the case of industrial assurances we scarcely look at our medical papers," thus distinctly affirming the proposition that in regard to the labouring classes the employment and the general character, as palpably known to all the world, are in the long run a sufficient and satisfactory test of the value of the lives. Then, as to personation, we have some experience already, because we have been working our system of savings banks for some time, where there is plenty of temptation to personate, and yet not a single instance of it has occurred. My belief is that, comparing the case of a Government department with that of the Assurance Offices of a large description—I do not speak of the Friendly Societies, which are strictly local in their character—the means we have for ascertaining identity are very superior to those possessed by the Assurance Offices, because a man who insures with the Government has, in point of fact, every means of getting his identity tested. The Government knows, with regard to all its business, that it has natural allies in all those persons best acquainted with the condition of the labouring classes throughout the country. Take the clergy, the dissenting ministry, the magistrates, the Poor Law Guardians, the registrars—I do not speak of the postmasters, on whom it would not be well to depend, for we want them generally for the performance of routine duty only; but, with the aid of the different classes of men whom I have mentioned, and last, but not least, with that of the employers of labour, I say it is perfectly easy for the Government to defend themselves against the risks of fraud through personation. Well, it has been carefully considered in what way the system could be worked. I admit that here we stand in a different position from that in which we are placed under the existing law, where the deferred annuity that is required to be purchased is itself looked to as a security. But, undoubtedly, all the inquiry we can make convinces me, in the first place, that the ascertainment of the value of the lives of labouring men is, as a general rule, and with very rare exceptions, a matter easy and simple; and that, with respect to frauds through personation, those frauds are not found to present any vital difficulty in the way of the societies which now exist; whereas, in my opinion, a Government department would cope with them much more easily. As to taking bad lives, consider the case of the existing societies, which have agencies all over the country, and which induce their agents to draw lives into their net by promising them, independently of their other fees, 25 per cent upon the whole value of the premiums to be received. It is a matter of fact that there are now societies with their hundreds of thousands of members existing under your auspices, countenanced by you, authorized by you, subsidized by you, as I have shown, who are drawing lives into assurance in connection with themselves by giving to their agents, irrespective of certain other emoluments, no less than 25 per cent of the whole premiums to be paid, which is a larger sum than ought to cover almost twice the expenditure of a sound and well constituted assurance society. And what is the effect of that upon fraud and personation? I say to an agent, "Go you round a certain district, town, or village, and you shall have 25 per cent of all the premiums of the men you can bring into assuring;" and then I am to expect, forsooth, from that man that he is to be very scrupulous and particular in the selection of good lives. So much for the mere safety of these operations.

The next question, and it is a most important one, is—Is this a measure that can be undertaken justly with respect to those parties who are now engaged in carrying on business which is supposed to be of this description? There are three classes of societies which it is necessary for us to take into view. Although I have said that the state of the Friendly Societies is one reason which makes us think it requisite to submit this proposal to the House, yet we are aware that the subject also touches the domain of the Assurance Societies—societies which work independently, by the powers which the law has given them, and not under cover, or by the aid of any exemption or any subsidies from the State. I will consider the three categories of bodies with which we have to deal. One class is the case of the principal assurance societies; the second is that which we may call the minor assurance societies —that is to say, either societies which have but a limited range of business, or societies which deal exclusively in what are termed industrial premiums; and the third class is the Friendly Societies. Now, the question I have to try is, whether this proposal is a just proposal on the part of the Government and fit to be adopted by the Legislature as respects any possibility of trenching on the province of these societies. I will deal first with the case of the principal Assurance Societies. It would be invidious to attempt to define more particularly what I mean by that term, but hon. Gentlemen conversant with the internal state of what may be called the assuring world know perfectly well what is a good and what is a bad society, and that the character of every society is pretty well appreciated by the intelligent and well-informed commercial classes. I speak of them, therefore, without pointing them out, and I have first to consider what is their attitude with regard to this measure. Their attitude in regard to it appears to me to be either one of neutrality or of favour. They do not desire small business, and they know perfectly well that the business of the Government must be small and can not be large. Why do they believe it must be small? First of all, because the sum pointed out by the Bill is small; secondly, because they assume that no Government is ever likely to think it requisite or rational to attempt to interfere with assurance business, properly so called, by which I mean the business of these societies; and thirdly, because they are pretty well aware that if the Government were to make such a demand, there would not be the smallest chance of Parliament acceding to it. But further, I venture to say that if a Government were to be so unreasonable as to make such a demand, and even if Parliament were to be so pliable as to accede to it, it would not even then be in the power of the State, with all its influence and authority, to shake the position of many of these societies. There are a great many of them which, under any circumstances, could snap their fingers at the State. I will show that these societies do not desire small business, and I will show it in this way. There is in the Post Office Department a largely organized system of life assurance for its minor officers. The business is carried on in this manner:—The heaviest item in the current expenditure of an Assurance Society usually is the collection of the premiums, particularly of the smaller premiums. The whole collection of the premiums is done by the Post Office itself, and therefore a very heavy charge is taken off the shoulders of any office to whom that business is offered. The Post Office, however, found it not altogether an easy matter to find offices of a high class to undertake their business. I do not say they did not succeed. They succeeded at last; but their business was refused by the Sun, the Atlas, the National Provident, the Scottish Equitable, the Amicable, and the Rock. These are, I believe, all of them offices of a high class, and if they were not willing to take the Post Office assurance business up to £200, it is a very clear proof that business of this kind, I may fairly state, is of no value to offices which are considered of the highest class. I wish to show the manner in which business is transacted by offices of that class, and the reserves they think it necessary to hold in order to give themselves a secure position. I am only going to state two or three cases, but I certainly might multiply them without any difficulty to twenty, thirty, or forty. Now, in testing this matter, I am afraid I must make an appeal to the indulgence of the House, though I do not wish to trouble it with minute details, for nothing is more difficult or hopeless than the attempt to explain balance-sheets; indeed, I can only hope to make myself intelligible to those who have given particular attention to the business of Assurance Societies, and I see plenty of such before me and behind me. They will bear me out when I say that you know a good deal about the position of an Insurance Society when you get three things—first of all, its date; secondly, its income from premiums; and thirdly, its accumulations. From the relation of these three one to another, you know pretty clearly the state of any society. The Standard was founded in 1825, it has a premium income of £247,000 yearly, and it has accumulations of £2,133,000, or about nine years of its premium income. Of course, one will see that if these offices are really to do a business, they must live not on their capital, but on their business. Their capital is a proper reserve and guarantee, but they must live on their business. The amount of accumulations from their premiums is the fund laid up to meet death claims when they come in. I take next the University Life, and I am glad to pay a compliment to my own constituents, for I presume they take advantage of the benefits held out by that society. It was founded in 1825. The amount assured is £1,475,000; its premium income is £44,000; its accumulations from premiums, independent of £600,000 capital, are £780,000, or about seventeen years' income. Now I come to a younger society, the London and Provincial Law Society. It was founded in 1846. The amount assured is £1,500,000; its premium income, £46,000, and its accumulations £221,000. That is about five years' income, and I believe, for a society that has been established only eighteen years, it may be deemed very sufficient security. I take another, younger still — the Lancashire Society, founded in 1852. Its premium income is £23,500; its accumulations £85,600, or about four years' premium income—I believe relatively to its age, only twelve years, a very sufficient and satisfactory accumulation. I will now show to the House what is the sense of bodies of this description with regard to the proposal I now make. In doing so I will read a few lines from the speech officially transmitted to me by the manager of one of these first-class societies, called the Standard Life Assurance Society. The following is an extract from the speech of the Chairman made at the last annual meeting of the shareholders, an occasion when his sentiments might be fairly tested. He says—

> "It has often been to myself and to the public a source of regret that the practice of life assurance was confined almost entirely to persons of what is called the better class; but the difficulty of forming any scheme which would convey the benefit to all classes was one which it seemed impossible to overcome, from various reasons connected with the carrying out of the practical details. I rejoice, however, to find that the Chancellor of the Exchequer has prepared a scheme on the part of the Government, which will surmount these difficulties. He proposes to grant assurances and deferred annuities of small amount in connection with the savings banks, on such a liberal footing as will put the advantages of assurance within the reach of all. I hail this measure as one of great importance, and I have no doubt that it will tend to promote still further the practice of life assurance throughout a higher class also, thus increasing, instead of diminishing, the prosperity of the life institutions of the country. Meanwhile let us rejoice that the means are to be afforded to the humbler classes to provide against the calamities which arise from old age and death, on a sound basis, for which Government will be responsible, instead of leaving them to the risk of expending their hard earned savings in supporting rashly instituted and badly conducted private schemes, which have so often failed them in the hour of need."

And the manager in transmitting the passage says, "The directors believe that the views expressed by the Chairman are entertained by other societies in Scotland." I think, therefore, Sir, I have disposed sufficiently of the case of that class of societies—a comparatively easy part of my duty.

I come now to discharge a part of my duty which is much more painful; but the House will see that I am placed under necessity, not of my own creation. I did not court, I did not covet a discussion about the sufficiency of the arrangements of any one engaged in the business or commerce of the country. I should have been very glad to avoid a single reference to such matters. I will deal, however, with the subject as far as existing institutions, not Friendly Societies, are concerned, with as much reserve as I find possible. We come now to the consideration of what in assurance vocabulary is called, industrial business and minor Assurance Societies. Industrial business, the House will understand, is pretty clearly and broadly distinguished from assurance in general, the almost universal distinction being this—that industrial assurance depends on either monthly or weekly collections of premiums, whereas general assurance depends on either yearly, half-yearly, or quarterly collections. In speaking generally, and, with two exceptions, to which I will presently refer, the industrial business of the country is on a very small scale. I do not doubt that there are various excellent Assurance Societies doing industrial business—I do not question that; but if there are, they are societies that make no provision at all for the wants of the population at large. You may find an Assurance Society in this or that particular district that perhaps may answer the wants of the particular place, but what I have to look in the face is this—there are all over the country societies offering what I think insufficient securities, everywhere soliciting the people, not merely by placards on the wall, not merely by institutions in the towns and villages, but employing agents, whom I cannot call by any other name than preachers and denominational missionaries, who, animated by the golden vision of 25 per cent on the premiums paid, find their way into every cottage in the country and become eloquent and learned in the praise of the institutions to which they belong. But industrial business does not, generally speaking, reach the mass of the community. We must, therefore, consider something that does. Let me ask the House to consider, with regard to these good industrial societies—I do not question that there may be societies, acting simply as industrial societies, that are good and sound; but what cause have they to be afraid of Government competition? What can we do which will give us an unfair advantage over them? What is our condition? What can we offer, and what must we exact? In the first place, we give, certainly, very perfect security; and I must say, if that perfect security is a thing valued by the people, there is no reason why we should withhold it from them. There was a deputation that waited upon me, consisting of several gentlemen of the highest respectability, but chiefly from officers of a minor class. I urged on them that we were most innocent competitors. They dwelt very much on this consideration. They said, "The people are not aware of the advantages of assurance. It is absolutely necessary to go and persuade them individually into it. You must go to each house—you must reason, argue, and convince. That is the only way to make them assure." I answered, "If that be the only way, we won't make them assure; the House of Commons is not going to vote money to enable us to go into every cottage in the country for that purpose; therefore you are safe against us." "Oh, no," they said, "quite otherwise. Our agents will go into the cottages, and persuade the men that it is a good thing to assure, and directly our agents have persuaded them, the men will turn round on them and say, 'We are very much obliged to you, we will go and assure with the Government.'" That was, I must say, paying a very high compliment to the Government; but if that be so, it will be a hard thing to withhold this advantage from the people simply because they have a desire for it. I do not at all endorse the assertion. My opinion is, that the agents with the 25 or 15 per cent would, when they persuaded men to assure, take care where the assurance was effected. But, at any rate, we can offer perfect security; we can offer, and I think we ought to offer, much more favourable terms in the event of assurances being dropped, by the lapse of a few weeks or a quarter's subscription, than is now offered by these societies. There is another advantage in favour of the Government. In this country a considerable portion of the labouring population have become migratory. They go from place to place, seeking the best market for their labour. Wherever they go they know where to pay their premiums if they assure with the Government. That is an advantage which the Government possess, and it is a real recommendation of the Government plan. But I know of no other advantages that the Government possess, except that of offering perfect security, more favourable terms in case of the dropping of the policies, and greater facilities for the migratory portion of the population. All these are features which ought to recommend the Government plan to this House. But let us look to the disadvantages under which the Government labour. If the Government cannot employ these touting agents, it must remain without the business which they would bring. If we are to provide liberal terms for those who drop their policies for a few weeks, or months, or a quarter, we must of course charge for that in the premium they are to pay. If this is to be done by the Government, it is plain it must be essentially a self-supporting business, because it is certain that this House will not, and ought not, to undertake it at a charge of one farthing to the public revenue. Therefore, if we are to offer terms of particular liberality to those who drop their policies we must charge that in the premiums, or else we cannot afford to pay them. Then, again, in competing with other societies, we cannot undertake to deal with children or young persons. That excludes at once more than one-half the lives which are commonly assured by the industrial societies. In many societies more than half the lives assured are those of young persons under sixteen. Lastly, let the House, and those who are afraid of illegitimate competition, take the case of a Government assurance, and of a good, sound, commercial company doing an industrial business. They are both dependent upon their premiums for meeting their engagements at the time of death, but mainly dependent, also, upon the use and judicious investment of those premiums. A good Assurance Company can invest their premiums, without the smallest risk or imprudence, at between 4 and 5 per cent. We cannot invest at that rate of interest. We work in fetters, and most properly so. It is impossible for the Legislature to grant to the Executive any discretion. We work within the narrowest limits defined by Parliamentary guarantee. We cannot invest at an average at more than $3\frac{1}{4}$ per cent, whereas those companies can safely invest at 4, $4\frac{1}{2}$, and even sometimes at 5 per cent. If that is the case, it shows that nothing can induce the people to come to the Government except the facilities and conveniences we offer, and the perfect security we afford; but it is impossible, and it would be hypocritical on my part, as the organ of the Government, to pretend that we can offer to assure on terms that would be considered cheap in the market. If so, those fears of Government competition are fears that need not be entertained in quarters where prudence and honesty prevail. But prudence and honesty do not prevail in all quarters; and to those who tell me that this is to be considered as standing in the category of common commercial business, I would reply, "Consider for a moment the peculiar nature of life assurance." This is a business that presents the direct converse of ordinary commercial business. Ordinary commercial business, if legitimate, begins with a considerable investment of capital, and the profits follow, perhaps at a considerable distance. But here, on the contrary, you begin with receiving largely, and your liabilities are postponed to a distant date. Now, I dare say there are not many Members of this House who know to what an extraordinary extent this is true, and, therefore, to what an extraordinary extent the public are dependent on the prudence, the high honour, and the character of those concerned in the management of these institutions. When an institution of this kind is founded, so far from having difficulties at the outset, that is the time for its glory and enjoyment. The money comes rolling in, and the claims are at a distance, almost beyond the horizon. In the first year of the society the premiums far exceed the death claims. This is also the case in the subsequent years. For how long a period does the House think that the premiums to be received are in excess of the death claims? For thirty-seven years. That is to say, you found an institution which ought to be a very gospel of prudence, and the balance of its liabilities is postponed for one full generation of men. That is the peculiar condition of life assurance; and how does it operate when applied to the labouring class? How can you expect the labouring man to be a judge of the balance between assets and liabilities with regard to a society that is not practically to render an account for ten or twenty years? I am far from wishing it to be understood that, for a period of thirty-seven years in all these societies, the premiums exceed the liabilities. They at least exceed the expenses. I do not mean to say that where the expenses of management are kept within due limits, the period of thirty-seven years is the point to which I have referred. But the expenses of management have, in some cases, a tendency to grow beyond all bounds.

The House will probably like to know the fugitive character of these institutions. I will quote, as my authority, a little publication issued by the "Guardian," one of the first class offices. The very large number of Assurance Companies which either fail, or from other causes give up business, may be seen from the following table:—Summary of the formation and progress of assurance companies in the 19 years, 1844 to 1862 inclusive (from the *Post Magazine Almanac,* 1863). Number of companies projected, 596; founded, 276; ceased to exist, 259; amalgamations, 12. I wish I could read to the House a chapter on amalgamation; these are subjects of almost romantic interest. ["Hear!"] Transfers of business, 161. I think I hear a cheer from the hon. and learned Member for Wallingford (Mr. Malins), but what will he say when I read the next item—winding-up in Chancery, 57? The truth is that this is a subject which has both a comic and a tragic side. If we were to deal with the comic side, there are heroes who have figured in the police court and before the judicial authorities, some of them with "Reverend" affixed to their names, out of whose adventures I might weave a very entertaining narrative. But the tragic side is, I am sorry to say, altogether predominant, and I shall not attempt to relieve the dulness of a wearisome discussion by entering on matters that would give amusement to the House. I wish to show how matters stand with regard to the peculiar case of companies winding up in Chancery. In the first place, the policy holder has no remedy when a company is mismanaged, and for this plain reason, that he must wait until he dies. The fact is, that until he dies he has no claim that can be enforced. If this were a claim that could be enforced during life, we could imagine a combination of policy holders going into Chancery; but when we remember that the claim accrues only on death, and when we consider the condition, on the death of the policy holder, of those scattered families which have sustained the loss of their head, we see at once that the position of the policy holder is almost one of entire helplessness. When it happens that one of these concerns finds the fatal day arrive, and that it can no longer meet the claims of old assurances by the premiums of new customers, it does sometimes happen that it gets into Chancery. But what is the condition of the policy holders in Chancery? I do not mean to find fault with the proceedings of that Court, which may, for anything I know, be perfect; but it is obvious that directly a man hears that a company in which he is assured has gone into Chancery, he feels naturally scrupulous about what is commonly called throwing good money after bad. Practically, the policy holder ceases to pay any more premiums, and, therefore, he loses his claim to that which he has already paid. That is a plain, unvarnished description of what takes place.

There is another form of proceeding. I refer to matters of amalgamation. I am sorry I am not able to open up all the mysteries of amalgamation, but this is a case which has been communicated to me upon the best authority. Suppose a person of small means, who is assured in a particular society, hears that it is going to amalgamate. What can he do? By what possibility can he make out a case against the amalgamation? How can he bear the cost of bringing the company to book with the uncertainty of proving that the amalgamation ought not to be allowed? He cannot resist an amalgamation. What, then, is done? There are intermediate agents, gentlemen who kindly go round and say, "Oh, you had better amalgamate," and suggest terms. A remarkable instance of amalgamation took place between the "Professional" and the "European." The "Professional" transferred its business to the other society, and what did the "European" do to make itself safe? Certain policies were paid in the "Professional," and they were of a certain value. But there was a liability upon them, and the "European" made it a condition of receiving the transfer that the amount of the remaining liability should be inscribed upon each policy. Supposing there was a policy for £1,000, and the outstanding value of it was £600, the "European" wrote £600 upon the back, and charged 4 per cent interest on it, and on the death of the policy holder, the £600, with interest, was to be deducted from the £1,000. Such were the terms upon which those amalgamations took place. That is an illustration of what you will probably say is no better than wholesale robbery. Nay, more, I will go a step further, and say that a great many of those proceedings are worse than wholesale robbery, and there are many persons who have never seen the inside of a gaol, and yet who had fitter be there than many a rogue that has been convicted ten times over at the Old Bailey.

I now pass on from these considerations to deal with particular cases. I am not going to present you with cases of societies which have been guilty of actual fraud, but I wish to allude to two cases of societies which do an industrial business on a large scale. And here I feel a particular restraint with respect to any comments I may make, but I think I am justified in looking at the published accounts of any society, and making any comments which its figures may suggest. There are two societies called the "Friend in Need" and the "British Prudential." The "Friend in Need" was born as a Friendly Society, but the chrysalis passed into a butterfly, and came out as an Assurance Society. I am not sure of the date when the society was founded, but it must be of considerable age. Its income was £22,000, and its available assets £14,000. And now I will quote a few words from the evidence of an eminent actuary who was examined before Mr. Wilson's Committee. Mr. Ingall, the actuary of the Imperial, stated that "if the accounts of a company which had been fourteen years in existence showed that the available assets amounted only to one year's actual income, there could be no doubt of the unsafe position of that society." And when I submitted that reply to another distinguished actuary, Mr. Tucker, he said there was not the smallest doubt of the truth of that proposition. Now, the position of the assured is, in one respect, very painful. It is well known that disputes very often arise upon a death as to the liability of the society— I am speaking now of societies of a secondary class — and for these disputes arbitration is the common remedy. Mind, we are now dealing with institutions which have branches and agents all over the country. They are not such as you can localize. They are here, there, and everywhere. In the case of this "Friend in Need Society," the condition of arbitration is that it shall be in London. Think of what the meaning of these few words are to the mechanic, clerk, or working man, who may be in Scotland, Ireland, or anywhere else, on finding that his little policy of £20 depends upon an arbitration to be held in London. It is confiscation united with concealment. The case of the "British Prudential Society" is a remarkable one. It is conducted by Mr. Harben, a gentleman of great energy, and it is owing to Mr. Harben, I understand, that there is an organized opposition to this Bill. Hon. Gentlemen opposite will well understand what is meant by an organized opposition. Mr. Harben waited upon me some ten days ago, as one of a deputation on the subject of this measure. I inquired from him whether the society to which he belonged had any objection to the publication of their accounts. His reply was "Oh dear! no. I am extremely anxious for their publication." Subsequently when sending the accounts, he said, "These are to be for private use." I replied I did not need them for private but for public use; and then Mr. Harben said, "If all the others publish I have no objection. But as all the others do not publish, I would rather not, inasmuch as I think the facts I have given you might be the subject of unfavourable comment, of course owing to defective knowledge." I can only refer them to the balance sheet of the "British Prudential" for 1861, which has been published, and its policy account at first sight would appear rather remarkable. The debit on that account is £518,000, while the credit is £582,000. That is a most singular state of things, because the policies on which the society has received a very large sum, and therefore incurred heavy liabilities, are represented as being in themselves assets of greater value than the whole liabilities. The debit is the present value of the whole sum assured, and the credit, by some method not, I think, easily intelligible, is actually made into assets. But, to put it in another way, while the premiums were £52,000, the assets were £46,000. There was unpaid capital besides the assets, and it is not for me to dispute that the shareholders may be able to pay, but what we are speaking of is whether the transactions of the institution pay or not. The result of that balance sheet is this. As it stands it presents a balance of £41,000 in favour of the society; but it has been examined by actuaries, and those gentlemen, proceeding upon principles which are no more open to question than a proposition of Euclid, say, that instead of a balance of £41,000 in favour of, there is one of £30,000 against the society. There was, it is true, a capital of £45,000 not paid up, and which if paid up would undoubtedly more than liquidate this balance; but all I can say is, that in 1861, when its balance sheet was published, it did not appear to be in contemplation to demand that it should be paid up, and the accounts stood as I have said. I am not going to push this further than to say, that it is not just that societies in this condition should come forward and say, "We admit that the great Assurance Offices do not do the business that the Friendly Societies do, nor do it in a satisfactory way, but leave it to us and we shall do it." I decline to accede to that proposition. I demur to it. I do not feel satisfied as to the business the "British Prudential" is doing. I will now give the House some particulars of the case of an extinct society, or one of those fifty-seven victims of time and circumstances which are winding up in Chancery. I mean the "British Provident Society." I quote this the more freely, because I wish to be corrected if the circumstances I am about to mention should be inaccurately given. It was founded in 1851 and carried on business for eleven years, and only for three of those years did it register its accounts as required by law. These were the years from 1853 to 1856. The income of the society during those three years was £10,600. Notwithstanding the advantageous circumstances I have mentioned about the receipts coming before the liabilities, the expenses during those three years were £15,700. Perhaps it might be matter of interest to the House to know that Mr. Ansell, one of the most eminent authorities among actuaries, states (speaking of a number of societies) that the expenses for the first five years of their existence are about 13 per cent. of the receipts. That he considers a just and fair allowance. In the case I have just quoted the expenses were about 150 per cent; for the assets were £10,600, and the expenses £15,700. Of course, it was necessary that the society should be brought to book and called on to make provision from the resources of the shareholders for the demands of their policy holders. The society was in Chancery in 1862. An action was brought against the manager of the society for interpolating words in a deed which altered its character after execution. In the deed, which purported to be a sale to the manager, words were interpolated making it a sale to the manager on behalf of the society, the effect of which was to make the vendor still liable for outstanding calls. The case was afterwards tried by a jury in Chancery, and I find from the *Insurance Gazette*, that the jury, after a short consultation, unanimously decided that two interlineations had been made in the deed after execution. The Vice Chancellor said that the public were indebted to the jury for the patience and intelligence they had shown in the investigation of the case, and he might add that he had no reason to be dissatisfied with the verdict. The House will understand why I have said that I am very anxious to have it understood that I state those things as I gather them from public records, and not from private information and personal knowledge, when I inform it that the manager of that society was John Sheridan, and the name of Henry Brinsley Sheridan appears in the advertisement of 1856 as auditor of the society, and in 1859 as trustee of the society. The latter is the name, I believe, of the hon. Member for Dudley, but whether he be the gentleman referred to in the advertisement I do not know; but, if he were, I have no doubt that he is in a situation to make a most satisfactory explanation to the House on the subject.

I come to the last part of this most painful portion of the business, and that is to touch on the composition and action of certain Friendly Societies. Those Friendly Societies are no less than 20,000, as far as regards those registered, but a large number are unregistered, making up, as I am told upon conjecture, the number to 30,000. Since the Friendly Societies' Act passed, from 8,000 to 9,000 of them have failed. Now, what I wish to point out is, that these are not societies acting by the ordinary powers of Englishmen, but are societies under the provisions of a law constructed for the purpose, and under the favour of a statute amounting to positive bounty and virtual endowment, and yet a great number have been unable to meet their engagements, and those who subscribed to them have suffered loss with respect to the contributions which they made. When I add that each of those 8,000 or 9,000 Friendly Societies had its members in scores, hundreds, and even in thousands, and that those members were almost exclusively of the labouring class, I leave the House to judge what is the real meaning of the words "unable to meet their engagements." About 100 of these societies fail every year. I now wish to call the attention of the House to the subject of what is styled lapsed policies. Almost all the life assurances made by the labouring class are made when they are comparatively young: the elderly man does not insure; he cannot afford it; he is past his prime, and the payment upon assurance grows rapidly in such cases. They therefore insure while they are young, or not at all, and the covenant made with them is of the most severe description.

You preach to them about prudence and about the duty of providing for those they leave behind, and yet a covenant is made with them, by which an intermission of a few weeks in their payments, after they have paid for ten, twenty, or thirty years, deprives them of their policy. Are these fair terms to make? I do not say they constitute an indictable offence, but such terms are thought too severe for the higher classes; and in their cases some allowance is made for the vicissitudes of life. The arrangement is that, among the higher classes, a holder of a policy who is unable to continue his payments has a certain proportion, generally about one-third of his premiums, repaid to him; but no such right is conceded in the case to the industrial classes. Now, is this lapsing of policies a token of improvidence on the part of the labourer? How can any labouring man answer for payments throughout every week or every quarter of his life. He has no guarantee against want of employment, sickness, the duty of providing for an aged and decrepid parent, or extending generous aid to a friend, or any other of the ten thousand inevitable calamities to which they are subject. If the poor man fails in any such case—not to speak of imprudences or kindred errors — to pay one premium the policy drops, and he loses everything he has paid. I confess I think that that is a very harsh arrangement, and that, unless there are fundamental objections of a very practical character, it is exceedingly necessary to afford to the labouring man some fair prospect of insuring his life without the fearful penalty to which he is subjected in the event of a temporary intermission. Has the House the smallest idea of the number of these lapsed policies? Had I not had it in positive figures I could not have believed it. It will appear a strange relation to those who hear me when I state, that the number of these lapsed policies in the Friend in Need Society during five years was 18,000, out of 86,000 policies made. Thus 18,000 men who had insured their lives and paid for a certain time lost the whole benefit of their money. The Royal Liver Society issued 135,000 policies last year, and had in the same time 70,000 lapsed policies. That society has a rule authorizing the committee of management to grant to the widow or relative of any member dying, who from being out of employment, or from sickness, had previously made an intermission in his payments, a sum not exceeding £5. That discretion is left them; but I am not aware how far it has been acted on. The policy holder, however, has no right whatever in the case of the policy lapsing to demand any repayment. This is hardly a right state of things with respect to societies which virtually receive a bounty and subsidy from Parliament. The notion that these societies are self-governing makes them acceptable to many persons. Thousands of men all over England are invited to enrol themselves in them, are dignified on the payment of a certain sum with the name of members, and are then told that this is the principle of self-association, and that they have the power to direct their own affairs. I decline to give the smallest value to the allegation. Do not let it be supposed that I am speaking of Friendly Societies that are merely local, or of those that have thriven and prospered under the benevolent auspices of the right hon. Gentleman the Member for North Wiltshire (Mr. Sotheron Estcourt), societies which are filling the true intention of the law, which, wisely or unwisely, was to give encouragement to institutions of that character; but it is a perfect mockery to send agents with 12 per cent or 15 per cent or 20 per cent commission all over the country, to take down the names of members in every cottage, while twenty or thirty persons meet in London and manage the concern, at the same time to say that the shareholders may, if they choose, come up to London and set right their affairs. I am exceedingly desirous to have it understood that I am not making a general assault on Friendly Societies. Nothing is more satisfactory or congenial; nothing more harmonizes with the best English ideas than to see men of the labouring classes associating together in the true and real spirit of self-government for the purpose of providing against the contingencies of old age, sickness, and death; and on societies of such a sacred character I would not lay a finger. But I am told that the rigid rules of arithmetic bear hard upon some of these societies, and show that the small number of their members acts as a difficulty in equalizing their risks, and that although their expenses may be moderate their casualties are many, and that after a time they come to an untimely death. I cherish the belief, however, that there are many societies in that happy mean that, without any extraordinary attempt at self-propagation over the whole country, are able to discharge their duty, and, at the same time, to pay their debts. But, seeing the multitude of evils and abuses which are thriving in rank luxuriance, I must say I do not think we could hold our hand; and if there is to be any responsibility for saying "We will look on but will do nothing," that responsibility shall not rest upon the executive Government, but must rest with the representatives of the people in Parliament. We all know with regard to these Friendly Societies, how difficult it is to keep them out of harm's way—we know how apt they are to meet at public-houses, and how much of their funds are liable to be expended there. We know what grave oppression is practised upon minorities who object to such arrangements; how impossible it is for minorities to resist, and how that principle of tyranny among the working classes of one portion over another—that great reproach, which still adheres to those classes, is fostered and encouraged. I read this morning with some interest the account in the *Standard* of a meeting held on Saturday night at Exeter Hall of working men for the purpose of opposing this Bill. It will not be disputed for a moment that it was an organized meeting, that it was got up by men who think they have a direct interest in resisting this Bill; and I admit that if they belong to societies such as some of those I have described, they may have such interest in opposing this Bill. But it does seem that a pretty sturdy opposition to the object of the meeting presented itself, not prompted by any external agency, which produced a considerable uproar, such as Englishmen so assembled generally contrive to settle their business in. The chairman was a Mr. George Potter. I believe that is a very well known name. Is it not the Mr. George Potter who is the far-famed secretary of the trades' unions? and is not the principle of those trades' unions, which if of voluntary association are perfectly and in the highest sense legitimate, and which would give to the labouring man his fair right of self-defence against capital—is there not, unfortunately, among the great body of these trades' unions a principle of coercion applied to the minority? If that be the case, then Mr. George Potter was in his place on Saturday, because it is the business of these societies in some way to coerce often minorities, but sometimes even majorities, through the medium of an artfully constructed system, which, pretending to consult the individual will of the members, in fact deprives them of all free agency. I will not trouble the House at much greater length, and must apologize for the time I have already occupied.

I must, however, just state the condition of two societies of some standing. One is the Liverpool United Loyal Friendly Burial Society, which was enrolled in 1843, and, therefore, being now just of age, has had ample time to consider its ways, and may fairly be called upon to give an account of its doings. The income of that society for premiums is £10,130, and the capital accumulated after twenty-one years' existence, according to their own printed statement, is £3,900. The next case is that of the Royal Liver, which is fourteen years old; the society, I think, which issued 135,000 policies last year. Its income for premiums is £77,000, and what does the House suppose to be the expense of managing, raising, and dealing with that amount—£36,000. With an income of £77,000 the accumulated capital after fourteen years' business, according to their own balance sheet, is £39,000. The managers of this society came to me on Saturday to remonstrate against this Bill, and they said it was a hard thing to interfere with private enterprize. They proposed a rival plan. I begged them to let me have that plan in writing, which they promised to send, but I have not yet received it. I will, however, state the outline of it as they stated it to me, and the hon. Members for Liverpool and South Lancashire can correct me if I mistake. By this plan the Government were to appoint actuaries, and these actuaries were to examine the rules, tables, accounts, and transactions of all Friendly Societies. Now, one objection that has been taken to this Bill is, that it creates Government patronage; but certainly such a golden prospect of Government patronage as was opened by this suggestion from the quarter of the Opposition, that the Government should appoint actuaries to examine into the condition and transaction of the 20,000, or 30,000 Friendly Societies in this country, never dawned on the imagination of any Minister. But it was gravely and positively stated to me, that officers so appointed should go through all the transactions of all these societies, and that was the plan I was recommended to substitute for my own. Just imagine myself standing in this House, and on behalf of the Government—if any Government could ever be found out of Bedlam to sanction such a proposal—asking the House to assent to a proposition giving the Government power to appoint officers, who, acting as their agents and organs, should look through the concerns of more than 20,000 societies. But if such officers were appointed, it must be for some practical purpose, and not merely to satisfy certain formal conditions; and when I said, "If they are only to look at the rules and tables, they will have nothing to do with the mode of appropriating the funds;" to this I was answered, "Oh, they will look into them, too." "They are to look into the solvency of the societies?" I asked. "Oh, yes," was the answer; "but recollect, we only speak for our two societies, and not for the other 19,000 and odd." "Well," I said, "what will be the effect of examination by a Government officer if it should unfortunately appear that any society was insolvent?" "In that case," they said, "the officer should propose rules to make them solvent." [*Laughter.*] I do not wonder that there is a tendency to smile at such a proposition; for if the Government is to appoint officers, who, finding any societies insolvent, should propose rules to make them solvent, we must go a step further with such a blessed invention, which surpasses steam, telegraph, and the penny post. It must be extended to all mankind; it must be applied in the Bankruptcy Court; and when a gentleman or a society of any kind finds himself or itself in the unfortunate condition of insolvency, instead of driving them to harsh and disagreeable extremities, rules ought to be suggested to make them solvent. That was the proposal made to me on Saturday; and now I must notice the proposal of the hon. Member for Hertford (Sir Minto Farquhar), which, if adopted, I think can only be productive of mischief. In the first place, if a Committee was to do its duty by examining fully into these matters, it would be obliged to go further than I have gone. As I have stated, I have had no private information. I have proceeded solely upon public documents which are accessible to all the world; but exposure of all these concerns, among which I cannot tell what proportion are solvent and what proportion are insolvent, would involve, in my opinion, an amount of responsibility which the House ought not lightly to incur. It might be all very well that you should, in a free-and-easy-manner, expose all these things, if you had no one to deal with but the managers, secretaries, auditors, and trustees; but you must remember that you have to deal with the immense mass of the labouring classes throughout the country. That which led us to believe we should adopt some mild measure of gradual operation, such as I have now proposed, was mainly an apprehension of the enormous mischief that would be done if a sudden alarm were to be spread throughout these bodies, amounting in the case of Friendly Societies to a million and a half of persons, besides several hundred thousands attached to other societies. Sir, I disclaim that responsibility. I am aware of no manner in which the compulsory regulation of these society can be undertaken by Parliament. I deprecate the delay which must ensue if the House should refer this subject to a Committee; and I renounce all responsibility for the exposure that would follow. I deeply regret that I, myself, have this evening been compelled to enter so far into details as I have done, and I have only entered into these details because I knew the House of Commons would demand a full explanation of the motives for this measure. Therefore I entirely deprecate the Motion of the hon. Gentleman opposite, and I trust that he will either meet us with a fair negative, propose a plan of his own, or give us his assent to this Bill. I am not aware of any mode of proceeding which, as compared with that which I now submit to the House, is not fraught with ten times greater evils, and which would not inflict the additional mischiefs of delay and uncertainty. I regret that I have been compelled to make so lengthy a statement; and I would now simply remind the House of what I have endeavoured to prove. I have endeavoured to prove that Parliament by legislation—not by the mere fact that it has assented to life assurance, but by its legislation in respect of Friendly Societies, and the many boons it has conferred upon them—is seriously compromised and responsible for the present state of things, and is bound to do what it believes to be best to mitigate the evils of that state of things. I have endeavoured to show that the plan which I propose, if it does compete with sound institutions, must so compete with them at a disadvantage from the essential conditions under which it is right and proper we must work. I have endeavoured to show that the wide field of the labouring classes is not occupied by sound institutions—nay, that it is not fully occupied even by sound and unsound institutions, such is the enormous breadth of the subject. I have shown, I think, that the present condition of many of these Friendly Societies—indeed, I might go further and, speaking generally, might say, that the present condition of these societies is more or less unsatisfactory. Some of them we cannot call merely unsatisfactory, but must term them either rotten or fraudulent. It is impossible for the State to assume the direction and regulation of these societies so as to secure in the management of their affairs a safe method of assurance; and what we propose is, we believe, the most prudent, the safest, and the most satisfactory mode of proceeding that can be adopted. I make my appeal not to any one class or to any party. I forget that I am a member of the Government, except so far as regards my responsibility as such. I recollect the sacred trust we have in hand, and I entreat hon. Members to keep in view the serious nature of that trust, the importance of the object, and the consequence involved, and I am certain they will not be prevented by any sentiment of political or party feeling, or of hostility to the Government, from giving their careful consideration to this question, and from determining in their own minds and hearts how the British Legislature can best acquit itself of this important part of its obligations to the mass of the people of England.

Mr. H. B. SHERIDAN said, that after the speech of the right hon. Gentleman he should be compelled to divide the House. The attacks which the right hon. Gentleman had made, not only upon him, but upon many respectable Life Assurance Societies, rendered it absolutely necessary that the debate should be adjourned to a future day, when the friends of those societies might be enabled to reply to the accusations which he had, without notice, brought against them. The speech of the right hon. Gentleman was, from first to last, not a defence or even an explanation of his Bill, but simply an attack upon certain offices, very much upon the principle of the old instructions to counsel, "Having no case, abuse the defendant's attorney." Without notice to him (Mr. Sheridan) the right hon. Gentleman had singled him out for attack, while making, as he supposed, a general exposure of Life Assurance Institutions, but he was not to be deterred by that from doing his duty in that House. The right hon. Gentleman had referred to an institution of that kind of which he (Mr. Sheridan) was either auditor or trustee. Now, he was trustee of a great many of these institutions, but he did not consider that he thereby made himself responsible for their financial condition. Only last week he had received a letter from a person who made an inquiry upon this point respecting one of these institutions, and he wrote back stating that he knew nothing of its financial condition, and was not in any way answerable for it. As to the office to which the right hon. Gentleman had alluded, it was one in which he was a shareholder, but from which he had derived no advantage in any respect. Already he had paid £1,800 on his shares; he had lately agreed to pay £1,500 more; and if there was any disgrace in paying that amount without receiving in return any advantage, pecuniary or otherwise, then he was amenable to the right hon. Gentleman's strictures. If, however, no disgrace attached to him in that respect, then the right hon. Gentleman had no right in defending this measure to come down to that House, and, without notice, attempt to deter him from opposing the Bill by a gross personal attack. The office to which the right hon. Gentleman had referred would not come under the category of offices mentioned by him that had not paid their policy holders, for the policies were transferred to another office, and it was only after that transfer, and after every attention had been paid to the interests of the policy holders, that the shareholders had to settle their disputes in the Court of Chancery, and he, to his misfortune, had to pay some £3,400 for his incautious alliance with the institution. He hoped his explanation would be satisfactory to the House. As to the right hon. Gentleman's statement respecting policies of insurance, in the whole instance of life insurance, covering now a period of 180 years—during which millions had been paid in the shape of claims, and these companies had transacted their business with unfailing rectitude—there were not more than two or three instances in which the policy holders had lost the sums they invested. The right hon. Gentleman had asked how it was that in the balance-sheets of these institutions the liabilities on policies could be taken as assets. Why, the merest tyro in actuarial science could have told him it was a necessary consequence of the theory of probabilities and the doctrine of chances. Supposing an office had been in existence three or four years, and was in receipt of £8,000 or £10,000 a year from insurers, it had a right to place to its credit a certain sum, based on the estimated duration of life of the persons insured. It must not be assumed that those persons were going to die immediately, and pay no more premiums, or that all profit from that source was exhausted. The valuation of these lives was made by an actuary, and it very often happened, if the office was a young office, that the balance was in its favour. He was only looking the other day at the accounts of an office which had been investigated by Professor De Morgan, who had brought in a balance under that head in favour of the institution. These life risks were not to fall in a month or in a year. They would be spread over a long period of time, and the figures representing the aggregate risk must not be taken as representing a direct and immediate responsibility. Moreover, the character of the liability depended on many special considerations—whether, for instance, there were Indian risks, or diseased lives, or whether it was a loan business—these things entered largely into the calculations of all actuaries, and must affect the principle laid down by the Chancellor of the Exchequer. The right hon. Gentleman had taken a most improper course in publicly assailing the respectability and insolvency of life assurance companies, and sending through the country statements most unfounded and calumnious as regarded the position of those companies. He (Mr. Sheridan) was not interested in any of them, but upon every principle of fairness he deprecated such attacks.

With regard to the Bill, it was first announced as the Government Annuity Bill, not a word about life assurance being mentioned, not a word appearing on the face of the Bill to show that it was intended to open a large national establishment for the transaction of life insurance. This was certainly not an instance of the frankness which the right hon. Gentleman extolled. Now, if it were necessary some years ago to associate a Government annuity with a life assurance in order to guard against fraud or against bad lives, how was it that that necessity had ceased to exist? He had listened in vain for one argument in support of the proposition in the vituperative speech of the right hon. Gentleman. Mr. Wilson distinctly stated, that although the Government wished to associate life assurances with annuities for a protective purpose, it was not their intention to transact life assurance business. How soon the successors of the right hon. Gentleman had forgotten that declaration. He was willing to believe all the Chancellor of the Exchequer had said about his own excellent intentions. He had no doubt that he did not, at first, intend to trespass on the legitimate domain of the Insurance Societies, and that his aim merely was to benefit the working man, by enabling him to make secure provision for his old age or the maintenance of his family after his death. Yet, it was surely most unfortunate, if the intentions of the Government were so pure and honourable, that the Bill was hurried on as it had been. The eagerness with which it had been pressed forward certainly excited a suspicion that the Government were anxious to get it through before the opposition to it was fairly roused. He regretted that the right hon. Gentleman did not fix an evening for a full and deliberate debate on this grave question, when all interested in it could have had an opportunity of stating their views. He could not but think that it was a most objectionable Bill. It was an invasion of the rights of Life Assurance Societies, and a violation of the promise formerly made by Mr. Wilson on behalf of the Government. Such a proceeding ought not to be tolerated by the House. What security had they that the present Chancellor of the Exchequer on some future occasion, or his successor, might not attempt to pass beyond the limits proposed, and rise from £100 to £300 or £400 insurances? The secretary of an Insurance Office had brought under his notice a case which illustrated the tendency of the measure. A gentleman in the country had been in treaty with the office for a life assurance to the amount of £1,000, but no sooner did he hear of the Government plan than he declined to go on with the transaction. He said that, "without disparagement to the office in question, he preferred the security of the Government," and when the secretary told him that the Government could not meet his views, as they were not going to grant assurances over £100, he replied, "Oh, yes; but if they find it answers you may be sure they will do away with such restrictions; at any rate, I'll wait and see." He had no doubt that the idea of the present scheme was suggested to the right hon. Gentleman by the successful operation of the Post Office savings banks. It should, however, be borne in mind that all these banks had to do was to receive money and to be answerable for its safe return. They gave the lowest possible interest; they required no expensive agency or machinery, no elaborate system of accounts. Life assurance was a very different affair. In that case the Government would receive small sums of money in order to return large sums at a future day. An insurer might die next week, and the Government would have to pay on his policy. The money received must be put out so as to gain a good rate of interest, 4 or 5 per cent, in order to make the transaction profitable. In fact, the Post Office savings banks were pure trust, but the new assurance system would be pure trade. It had always been a favourite scheme of Finance Ministers to reduce or extinguish the National Debt by means of annuities. When £100 of stock was received and invested in the hands of the National Debt Commissioners, the interest paid being only a trifle more than the interest of the debt, the operation was a very good one for the country. But even that had been found to work not altogether well, and Mr. Finlayson had prepared a new table of mortalities. It was based on select lives, for people had been brought from the most healthy parts of the country in order that annuities might be taken out on their lives, and combined the lowest rate of mortality with the lowest rate of interest. Life assurance, however, instead of diminishing, would tend to increase the debt. Every small premium paid in would add immensely to the new debt, which would continually be growing. The expenses of the establishment, losses, and frauds would swallow up a large proportion of the receipts, and in the end they would find themselves saddled with heavy obligations. The late Sir Robert Peel was supported by public opinion when he laid it down as a rule, that the Government ought not to enter into competition with private traders, and he must own he was much surprised to find the name of Mr. Peel on the back of a Bill which involved so gross a violation of the principle his father had enunciated. They all knew that Government interference of this sort ended in monopoly, and the experience of the evils of monopoly in our past history ought to make the British people very cautious of countenancing a repetition of such abuses. The right hon. Gentleman declared that there were no existing facilities for small insurances, and that there were only three or four offices which gave attention to that class of business. There was no foundation for such statements. The right hon. Gentleman had been told, on the high authority of practical men, that a large percentage of the new insurance business consisted of policies under £100. The abuse which the right hon. Gentleman had levelled at particular offices, which he thought he might safely vilify, he had not attempted to throw upon those larger institutions, such as the Eagle or the Guardian, which he fancied it might be dangerous to meddle with. The right hon. Gentleman asserted that there were no facilities. Why, he had in his possession a statement which, in candour, he ought to have read to the House, showing the amount of business of the particular class he referred to, which was actually done in the different offices at the present moment. A memorial had been handed to him, signed by seventy of those offices which he had since denounced, and with whose affairs he was about to meddle—he hoped not to muddle—showing that their investments amounted to £100,000,000, and the amount assured to £300,000,000. The new assurances alone were increasing at the rate of £30,000,000 yearly—a fact which was well worth the attention of the House in its possible bearing upon the National Debt hereafter. A statement had also been handed to the right hon. Gentleman, from which it appeared that there were six offices which had issued 29,970 policies, the amount assured being £2,500,000, and whose premiums for policies of less than £100, issued in less than three years, amounted to £502,000. Moreover, Mr. Jellicoe and the other eminent men who attended the deputation apprised the right hon. Gentleman that the tendency of the public mind was to insure in small sums, and the tabular statement handed to the Chancellor of the Exchequer showed the enormous number of these £100 policies issued by many of the offices. In the British Empire there was a large number of these small insurances, as there was also in the British Mutual. The Provident Clerks had issued a thousand policies of £100 each to Post Office officials alone. The Law Union, the Sovereign, the Norwich Union, and the Reliance would also be affected by this Bill. The British Prudential, he believed, had issued £100 policies to the amount of not less than £170,000. The opinion of the most eminent actuaries, to whom the right hon. Gentleman had referred, was adverse to the scheme. Mr. Jellicoe expressed a hope that, for the sake of the country, the House would not pass the Bill, especially as it related to deferred annuities, and added that it would not effect the object which the right hon. Gentleman had in view. Mr. Brown said that there was no great desire on the part of the labouring classes to avail themselves of the benefits of life insurance, and that the Government should give them more time to consider the question. The right hon. Gentleman wished to introduce this sweeping change in the interests, he said, of the working classes. But it had been pointed out to him by some of the most eminent actuaries of the day that he must do one of three things. Either he must charge rates equal to or higher than those already in force, in which case he must relinquish the idea of benefiting the humbler grades of the population; or else, by adopting a lower scale, he must run the risk of having some day to appeal to the country to make good the deficiency. When asked, who was to bear the risk of loss, the Chancellor of the Exchequer said, "I do not think I need answer that question." Business was looked for from the labouring classes; but with that section of the population at present very little desire to become insurers was manifested, and the agency fees necessary, on the one hand, to stimulate business in such a quarter, and, on the other, to protect the Government from fraud, would be much higher than the right hon. Gentleman was prepared for. He contended, indeed, that the necessary machinery was already in existence; but it was one thing to receive small sums of money for investment in the savings banks, and another to conduct all the multifarious business of an insurance office. Would it be possible for the postmaster and postmistress, having other duties to perform, to inquire into the character and life of the applicant, to send out the necessary correspondence, to communicate with the medical man, to arrange for the policy, the receipt of the premiums, and when death supervened, to establish the identity and negotiate with the undertaker. It was necessary to do all this, for it had been proved, beyond doubt, that the friendly societies advanced half the expenses of burial. The right hon. Gentleman, when questioned upon those points, said that there would be responsible officers in the metropolis, and that the Poor Law Board would lend its assistance. The business of life assurance, however, required not a casual and intermittent attention, but a scrupulous accuracy and attention to detail, and unless the Government watched every point narrowly, and created an army of placeholders, it would be impossible to carry out the objects of the Bill without great loss to the country. What could be the motives sufficiently powerful to induce the right hon. Gentleman to enter the lists with institutions having 75,000 trained and skilled agents, capable of carrying out instructions from head-quarters, and fully alive to all the exigencies of their particular trade; and further, to compete with 20,000 friendly societies, having, according to Mr. Tidd Pratt, 3,000,000 of members? The motive might be a friendly one, but the procedure was Russian in its character—order achieved through destruction. Mr. Tidd Pratt proved that the great weakness of the Friendly Societies lay in their deficient rates and the frequent sickness of their members; the only valuable item in their system was the life assurance. The right hon. Gentleman did not propose to cure the evils, but subtracted the single element of strength. The effect of his proposal would be to break up and destroy these 20,000 societies, no compensation whatever being provided. And as the new Government scheme would only attract the best lives, those who had been paying contributions for many years to the old societies, when sickness and infirmity came upon them, would find themselves deprived of the support upon which they had calculated. It might be fairly asked, admitting the evils which the right hon. Gentleman had described, what course was open to the Government? A very simple one. Instead of the present delusive system, under which Mr. Tidd Pratt certified that the rules of the societies were in accordance with the Act of Parliament, leading poor people to believe that the whole affair was conducted under Government supervision, let an honest and thorough system of Government control be exercised. Let them withdraw the present Bill, and let the rates of those societies be submitted to competent actuaries, and a proper system of accounts be insisted on. That would secure the removal of the abuses which were complained of; but to destroy the societies in order to remedy their defects was a step which was as unusual as it was unnecessary. Nor was it fair that the right hon. Gentleman should attack individuals who were opposed to his measure, or exhibit the balance sheets of offices as showing a deficiency of assets, or make statements for which, if made anywhere else, he would be answerable. The right hon. Gentleman was not a sufficiently good actuary to be able in that off-hand and cursory manner to test the sufficiency of accounts of so complicated a character. If this measure were passed, the Government must, eventually, be losers. They might shut their eyes for a time, but they would ultimately have to come to that House with shame and with something of humiliation to confess that their experiment in commerce had failed, and that the result had been to saddle the shareholders with a loss—those shareholders being the already overburdened taxpayers of the country.

Lord STANLEY: Sir, I cordially approve the principle upon which this Bill is based, and it is because I do so that I venture to appeal to the right hon. Gentleman the Chancellor of the Exchequer to give us time fully to consider it. It is a great experiment. It may be a great step towards the reduction of pauperism, and may lead to most important results as regards the future of the labouring class of this country, and, precisely because it is a great experiment, I, for one, should the more regret to see it marred by any haste or want of consideration of those details on which its whole working must depend. The right hon. Gentleman said, at the beginning of his statement, that the Bill had been before us ever since the first day of the Session. That is perfectly true; but, on the other hand, it is only fair to remind him that, though we have had the Bill before us for something like six weeks, we have only had the explanation of the Bill, the explanation which only its author could give, for about two hours. Up to this evening all the knowledge which we had of the Bill, beyond the actual reading of it, came from the statements of those who were opposed to it. I think, also, that we should bear this in mind. The right hon. Gentleman has delivered an address which contained much matter for consideration—many things which were novel, even to those who had looked a little into the subject, and who thought that they had acquired some slight knowledge of it. But he has done more than that; he has made statements which, however true they may be—and I am afraid that there is a great deal of truth in them—I wish I did not think so—however true they may be, do nevertheless seriously inculpate the management of a great number of public bodies in this country. Now, I am not standing here to speak on their behalf, but they have a right to fair play. Now, such of them as have an answer will desire to have that answer given in this House, and there will be no opportunity on which it can be given except while this Bill is under discussion. I sincerely hope that, whatever we do, we shall not come to a division upon this very important question of time. I should very much regret that, because I think it would create out of doors a very false impression as to the feeling and temper of the House. There are one or two points connected with the measure on which I confess I hoped to have heard a rather fuller explanation from the Chancellor of the Exchequer, and though he has no reply, I will name them briefly, in order that they may be considered when we go into Committee. I, for one, am not inclined to attach much importance to the vested rights, or what are called the vested rights, of the Insurance Offices or the Friendly Societies. I think upon those points Government have made out a good case; but I do feel some apprehension as to what is perhaps more important—namely, the prospect of the measure being successfully worked. Those doubts mainly turn upon three points. I did not gather, from what the right hon. Gentleman said, what is the security which he intends to take against what I think the greatest practical danger — that of personation. The right hon. Gentleman passed rather lightly over that point. He said that there were a great many people who would be the natural allies of the Government against any such attempt. There were the clergy, the gentlemen of the neighbourhood, the employer, and plenty of persons who would be witnesses to identity. That applies, no doubt, to a rural district, to a small neighbourhood; but I am afraid that these witnesses to identity will not be so easy to call when you have such a case as this:—A man named John Smith, born in Glasgow, a mechanical engineer, emigrates from there in search of work, goes to Manchester and passes some time there, and then comes to London, where he remains for the rest of his life. Then it is alleged that John Smith, of London, has died, and the insurance money is claimed. I think you will have some trouble in tracing the identity of John Smith. I think the Chancellor of the Exchequer is hardly aware of, or does not attach sufficient importance to, the migratory habits of a large part of the artisan population. I do not mean to say that there may not be machinery devised which will guard against that; all I say is, that we have not heard what that machinery is to be, and that, to my mind, is one of the most important details of the Bill. Then, as to the question of the value of the lives, the right hon. Gentleman disposes of that in a summary manner. He seemed to admit that doing so large an amount of business for so small a sum in each case, it would be impossible to have an effective medical inspection for each person. [The CHANCELLOR of the EXCHEQUER dissented.] I understood that to be so, but if it was not the statement, at least it was the argument of the right hon. Gentleman. The line of argument which he adopted was that, after all, this inspection was not very material, because when you came to industrial assurance, giving a man's age and employment, and his habits as to temperance or intemperance, you had everything that was material to know.

THE CHANCELLOR OF THE EXCHEQUER: I said that when you had these particulars, you had pretty nearly everything; and I mentioned the case of an eminent medical person, who said, that in industrial insurances, he scarcely looked at the medical papers; but I never argued that they should be done away with. On the contrary, I referred to our deriving advantages from our connection with certain members of the medical profession.

LORD STANLEY: The medical men of the Poor Law Unions. That is a question which may be better dealt with in Committee; but when you consider the amount of labour which is thrown on the medical officers already, and the vast extent of some Unions, I am afraid you will find it practically impossible to have any very effective medical examination by them, putting aside the expenses which dealing with these small amounts would be considerable. But as to the principle that the age, the employment, and the habits of a man's life are almost the only material points to be attended to, I hear that for the first time. I am not prepared to contradict it. It is not a point on which many Members of this House have much knowledge. All I say is, that it is a very broad assertion, a very sweeping assertion, a very novel assertion. We have it at present only on the evidence of the single witness quoted by the right hon. Gentleman. I think that we ought to go a great deal more deeply and carefully into the matter to take that which, no doubt, is believed by the right hon. Gentleman for granted; because that question of the healthiness or unhealthiness of lives, is one of most vital importance. The only remaining point to which I wish now to call the attention of the House is this. I do not quite understand what security the right hon. Gentleman proposes for there being in no case any liability on the State. I was glad to hear him disclaim any intention to create such a liability, but it does sometimes happen that Insurance Offices are wound up. I hope that will not be the case with the Government Insurance Office. At the same time, we do not exactly know what may be the result of its working, and the practical difficulty, on which I think that we ought to be informed, is this—In the event of its being shown that this plan is not self-supporting, that the expense of agents, medical investigation, and various charges, are greater than the returns that can be expected, the business must be discontinued or carried on at a loss. In the event of its being discontinued, on whom is the loss to fall? Because I apprehend that there must be a loss, and I do not see who is to pay it, unless it is to fall upon the State. I only rose to call attention to these points. I shall be prepared to go into Committee on the Bill with the very sincere hope that it will pass, and that we may either find it or make it a workable scheme. In the mean time I think that we are right in calling attention to those which at present appear to be the weak points of the Bill.

MR. HIBBERT could scarcely give his consent to going into Committee on this Bill, because he could not think that it was the duty of the Government to undertake business of this kind. He thought that the right hon. Gentleman the Chancellor of the Exchequer had made out a strong case—so strong that it must lead the Government in future years to undertake life assurance, not only to the extent of £100 but to any amount, and even to provide funds to meet the emergency of sickness, instead of leaving that provision to be made by the Friendly Societies existing in every part of the country. He regretted that complaints of this continual meddling on the part of the Government in matters of which they could not be cognizant should proceed from that side of the House. Only last year they had attempted to interfere with the self-government of the City, and had been obliged to desist, and propositions of a centralizing character were continually being made which would tend to destroy a proper dependence upon local self-government. He was afraid that when the three millions of persons who formed the Friendly Societies of the country saw the words "error," "deception," "fraud," and "swindling" applied to those societies,they would feel that needlessly harsh words had been used. He could not altogether approve of the strong terms which the right hon. Gentleman had applied to the thousands of Friendly Societies throughout the country, by far the greater number of whom had not been guilty of the faults which had been imputed to them, but had, on the contrary, encouraged habits of prudence and forethought in the working classes. He was very much afraid that the Government would get only the leavings and refuse business of insurance, because as they must charge much higher premiums than other Insurance Offices, a man would try first to get insured for the smaller sum, and if rejected would then apply to the Government Office to receive him. He had in his hand an article from the *Economist,* in which the writer said that the Government must charge higher rates than the existing offices, because they would work with inferior agency and at greater risk, for hundreds who would shrink from cheating aprivate individual would, without hesitation, cheat the Government. In conclusion he must repeat that he did not think that it was a part of the proper duty of the Government to undertake the business of life assurance ; he believed that all the great writers upon political economy concurred in that opinion, and the danger to be feared from the Government undertaking business of this kind would be that they would by degrees be regarded as a paternal government, to do everything for the people; and that principle once established, the people would shortly do nothing for themselves.

MR. ROEBUCK remarked that the right hon. Gentleman the Chancellor of the Exchequer seemed to have two objects in view in his speech that evening. One was to show that the present system of insurance was bad ; the other that he was about to propose a much better method. The right hon. Gentleman had a fatal facility in vituperation, and he had certainly made out a very strong case against the persons whom he had described. But there was one very important proposition which the right hon. Gentleman had scarcely touched. It was laid down as a rule by all political writers, that whatever concerned the individual was best left to be done by the individual himself ; that the Government which endeavoured to interfere in such matters almost always failed in its attempt ; and that, in fact, a paternal Government was a great nuisance. The reason appeared to him very plain. First of all, there was nobody who had the same interest to do well for a man as he himself had ; in other words, self-interest prompted every man to do all he could for himself, making him more industrious, more sagacious, and a better instrument for the furtherance of his own business than any other person could possibly be. On the other hand, Government was an operose machine, and while there were certain things which of necessity it must do, and which by common consent were left to its direction, it ought not to go one step beyond. The Post Office was one of those things which it was generally believed ought to be in the hands of Government, because there Government interference was believed to be really for the benefit of society. Still the case was open to doubt ; for he was inclined to think that, if the Post Office were left to private management, the business would be a great deal better done. During the Crimean war there was in society what the Scotch call a "sough"—a whisper—that if the capture of Sebastopol had been made a subject of contract, it would have been accomplished with comparative ease. Mr. John Stuart Mill said, in his work *On Liberty*, that the most cogent reason for restricting the interference of Governments was the great evil of adding unnecessarily to their power ; that every function superadded to those already exercised by them caused their influence to be more widely diffused, converting the active and ambitious part of the public into hangers-on of the Government, or of some party which aimed at becoming the Government ; that if the roads, railways, banks, insurance offices, and all the great joint stock companies were to be made so many branches of the Government, and if their *employés* were to be appointed and paid by the Government, looking to it for every rise in life, not all the freedom of the press, nor yet the popular constitution of the Legislature, would make this or any other country free otherwise than in name. For his own part, he believed the Chancellor of the Exchequer was right in many of his statements respecting the improper conduct of certain persons who managed Insurance Societies, but he would ask him whether there was not a better mode of curing existing evils than by the introduction of Government interference. It seemed to him that nothing could be more dangerous than these constant attempts on the part of the Government to take from the people the management of their own concerns. The effect of these attempts, if successful, would be to make the people a set of helpless imbeciles, totally incapable of attending to their own interests; and then he would ask, what would become of the greatness of this country? Some persons might think that the present was a very unimportant question; but it was not so, for it touched the interests, habits, and manners, at least, of 3,000,000 people. He agreed that Government security would be a great advantage, but he could not help thinking that the object could be effected in another and better way. The right hon. Gentleman deserved the credit of having made a most powerful statement—a statement clear, and he was almost going to say convincing, but a statement shaded and darkened by attacks upon certain individuals which would not redound to his honour. No doubt there were difficulties and dangers connected with the insurance of lives which the plan of the right hon. Gentleman would in part remove. For example, if Government security were given, the working classes would not run the risk of losing their all; but, meanwhile, the country itself might suffer, because the Bill provided a machinery defective, unfit, almost certain to fail. In conclusion, he hoped the right hon. Gentleman would not hurry on the measure, but would afford Parliament and the country sufficient time to consider it in all its bearings.

Mr. Alderman SIDNEY said, he was by no means convinced that it was the duty of the Government to interfere in this important matter. While he could not but regret the statements which had been made by the Chancellor of the Exchequer in reference to friendly societies, he was not prepared to deny that there was much of justice in the view which the right hon. Gentleman had taken with respect to many of those institutions. He, at the same time, concurred with the noble Lord the Member for Lynn (Lord Stanley), in the opinion that fairness to those institutions, as well as the novelty of the question at issue, demanded that the further consideration of the Government scheme should be postponed until after Easter, in order that fuller information on the subject might be acquired, and the feeling of the country in regard to it more clearly ascertained. The House should be satisfied that they were legislating upon facts, and not upon a speech. No doubt, in propounding the scheme, the right hon. Gentleman had been actuated by the best motives; but still, as had been well observed by the hon. and learned Member for Sheffield (Mr. Roebuck), it was not the province of the Government to do everything for the people of this country. It was their duty rather to encourage feelings of self-dependence and self-reliance. Proceeding upon that principle, he had argued against the notion, that it was the duty of the Government to provide Post Office savings banks for the people, and, although it was said that they had succeeded beyond all expectation, he very much doubted the correctness of the statement; and it would, he thought, be found that the difficulties connected with them would year after year become more distinctly developed. He did not understand how the savings banks could be worked without a great increase of expense, and the proposed insurance business would cause very much more expense. Though he believed that it was the duty of the Government to encourage provident habits in the people, still he thought that they should not become a great competitive institution to provide for the wants of a great class of the people. The House was paying large sums for the education of the people, and they were assured that provident habits were much increasing; and surely under these circumstances the people might safely be intrusted with the management of their own affairs. In making these observations, however, he must not be understood as pronouncing an opinion that the measure under discussion was so unsound that it ought to be rejected. His object in rising on the present occasion was chiefly to protest against the measure being hurried through the House.

Mr. NEWDEGATE said, that having been one of those hon. Members who on Friday night urged the right hon. Gentleman not to proceed further with this measure until he had made a statement to the House, he felt bound to thank the right hon. Gentleman for having brought his great ability to the task of engaging the co-operation of the House, in which he had evidently succeeded, and to the more important task of explaining to the great mass of his countrymen that he was not proceeding without occasion to interfere with that which was to them their dearest interests. The right hon. Gentleman being in possession of all the information of which the Government had the command was, perhaps, the only competent judge of the matter. He trusted, however, that that debate, and the opportunity for deliberation which was to follow, might have the effect of making it apparent that the right hon. Gentleman, seeing the difficulty with which he might have been met had he simply proposed to regulate the various Friendly and Insurance Societies by law, had introduced a measure by which—he did not think the right hon. Gentleman wished to conceal it—the Government would become a competitor of these institutions. It might be, he thought, a means of bringing about this result: that the great mass of the contributors to those institutions might see that there was great need for additional regulations in their internal management, and that the Legislature should by law assure to them a better security than that which they at present possessed. That, he must confess, would be a result infinitely preferable to passing the second principle of this Bill; but he would admit to the right hon. Gentleman that in the highly advanced state of civilization in this country, the great power of accumulating capital, and creating confidence in credit, that, considering there might be such influences at work—that however much they might deprecate Government interference in that which, upon grounds of strict political economy, should be the business of individuals—there might be such influences at work as would justify the interference of the Government in this or any other country to counteract influences that might become adverse to the State itself. He was speaking in the presence of Englishmen, who were accustomed to consider the impossibility of this; but as they were frequently warned of the process of assimilation going on between themselves and their neighbours, they must contemplate the dangers to which these neighbours had been subjected. He begged to thank the right hon. Gentleman for having complied with the wish of a very small minority expressed on Friday night, and for having come to the House to explain fully the necessity which he considered to exist for some legislation on the subject.

MR. W. E. FORSTER said, he trusted the Chancellor of the Exchequer would listen to the appeal which had been made to him, and postpone the discussion for some reasonable time, as the arguments which the right hon. Gentleman had used, coupled with the statements he had made that evening, had completely altered the position of the House with respect to the Bill. He had come down to the House to listen to the explanation of a Bill, one part of which had at any rate a most excellent object—namely, to enable working men to make, by deferred annuities, a secure provision for their old age. The right hon. Gentleman's speech had, however, placed us all in an entirely different position, for it opened up a set of charges against existing Friendly Societies, which, if they could be substantiated, would render it impossible that the House could part with the subject, except after the fullest investigation. The right hon. Gentleman had told them that the societies established for protecting the savings of the working man were, firstly, subsidized by the State, and therefore that the State was, to some extent, responsible for them; and secondly, that a very large number of those societies were either fraudulent or insolvent. The effect of this statement would be to inflict a tremendous blow on those societies throughout the country, and although he thanked the right hon. Gentleman for the courage with which he had grappled with the question, the state in which he left it made it absolutely necessary that the House should go further into the subject. It might have been better if the House had been asked to appoint a Select Committee on Friendly Societies. At all events, if that could not be obtained, time should be given for the fullest possible discussion. It was only right that they should have these vague but grave charges against the societies, with which poor men deposited their money, before them in a more detailed form. The House must know where those charges applied and where they did not apply. Most of those societies had a certain legislative sanction. They had certain rules, and were registered in a Government office, and the result was that hundreds of working men believed that in such formalities they had a Government guarantee for their money. Such a system could not go on much longer. He should be glad, also, that the managers of Friendly Societies should have full opportunities of being heard, as he was sure that the right hon.

Gentleman did not mean his statement to be understood as making the grave charge of fraud against the great majority of these societies. [The CHANCELLOR of the EXCHEQUER : Hear, hear !] One very large society, the Manchester Unity of Odd Fellows, was well known to him, and although he could not say that it was conducted on entirely sound principles, he had no doubt whatever of the *bona fides* of the management. It was important that such a society should have an opportunity of clearing itself from all charges. Then there was another delicate part of the question. He alluded to the meeting held on Saturday last, presided over by a person who had made himself conspicuous in questions of trades' unions. He was not going to drag trades' unions into the discussion, but he was quite sure that nothing was less likely to wean trades' unions from their unjustifiable practices than any attempt to make a side blow at them in the progress of an economical measure like the present. Trades' unions, therefore, should have some time to consider the question ; and, therefore, if they could not have a Select Committee, the best way would be to put off the discussion until after Easter, and in the mean time those hon. Members who came from the populous manufacturing districts would have an opportunity of consulting the working men. He did not think the working men would be hostile to the proposed measure when once they fully understood it. He did not know whether the right hon. Gentleman had read a letter which had appeared in the *Star* of that morning from an officer of the Manchester Unity, in which the writer disclaimed opposition, but expressed his opinion that the Chancellor of the Exchequer would, if he had made inquiries, have found that the working men were not quite so ignorant as to the management of their pecuniary affairs as was generally believed. Let the right hon. Gentleman and the House remember that they were dealing with millions of money, the savings of working men for the last twenty years, and if they struck any blow at the credit of these societies the effects might be most disastrous. He trusted that all these considerations would induce the right hon. Gentleman to postpone the discussion until after Easter.

MR. BOVILL thought the whole country would feel indebted to the Chancellor of the Exchequer for his statement, dispelling, as it did, the erroneous impressions which had gone abroad, and showing conclusively the necessity for some measure like the present. It was impossible to think that any Department of the Government would gain the slightest advantage from the Bill. Our industrial population, for whose benefit alone it had been introduced, was most materially interested in the proposal, and those best acquainted with that important subject had arrived at the opinion, that the interference of the Government was absolutely essential. The whole community was interested in the promotion of provident habits among the working classes ; but for that purpose it was requisite that the working man should be able to deposit his hard-earned savings where they would be sure to be available as a future provision for his family. It mattered little whether it was through mismanagement or through fraud that his savings were dissipated, and his family pauperized, instead of being placed in independence. What was wanted was some absolute security that the hopes which encouraged his thrift and his self-denial should not be ultimately blasted. The effect of security being obtained, such as that which was offered by the Government, would induce provident habits and a feeling of security, which was of equal importance to security itself. The Chancellor of the Exchequer, so far from overdrawing the picture, had understated those facts which had over and over again been proved in courts of justice. The tale which the right hon. Gentleman told in 1864 was identically the same as was told to a Select Committee eleven years ago. The Committee of 1853, in their Report, said that there were, no doubt, instances of great abuses and of flagrant frauds, more akin to swindling than to the operations of regular trade. They also reported, that since the passing of the Act of 1844, 311 Insurance Companies had been provisionally registered, of which number only 140 had been completely registered, and only ninety-six existed at that time. It was lamentable to find that, deducting ninety-six offices, which were in existence in 1853, and some few which had been amalgamated with other companies, the remainder of the whole 311 had absorbed the hard-earned savings of working men without yielding the slightest benefit in return. The facilities for fraud afforded to these insurance companies had been pointed out by the Chancellor of the Exchequer, and were easily intelligible when it was remembered that, their gross liabilities being necessarily postponed, they could exist for many years by paying the demands made upon them out of their annual income. Some years ago there was a remarkable instance of the formation of one of these companies. One or two persons started a Life Assurance and Annuity Society, and published a flattering prospectus inviting domestic servants to invest their savings. Funds flowed in, but the whole of the monies were appropriated by the managers and directors, and when the limited field which they cultivated was exhausted there was nothing to pay the insurers. It then appeared that the promoters had hired twelve directors, and had given them names of great distinction—he would not mention the names lest he should insult hon. Members present—but the best names in the City of London were represented to be on the board. Those names were of great value in the prospectus, and the persons who represented them, he believed, were retired schoolmasters with bald heads, powdered wigs, and every artifice to inspire confidence. The rate of payment by the rules was 5*s.* per head per day. Further, to insure a good personal appearance, coats, waistcoats, and trousers were supplied, and the directors were enjoined to wear expensive jewellery, such as diamond rings, which were also provided out of the funds, and for not wearing a ring the fine was 2*s.* 6*d.* Ludicrous as it might appear these facts were proved over and over again, and hundreds, nay thousands, of poor persons were in this manner defrauded of their savings. The same thing might occur again to-morrow. In fact, if two persons of distinguished name were in want of funds, and did not object to do it, the easiest way to raise money was to start a society of this kind, with a capital of one million, all paid up. He hoped, therefore, that time would be given for those facts to go forth to the public, that the eyes of those most interested might be opened, and this organized opposition to the scheme of the Government at once be defeated. The law provided that the deed of settlement should be signed by persons to an amount equal to one-fourth of the capital and to the number of one-fourth of the shareholders. But that was easily managed. One man was induced to sign for £40,000 who did not possess 40,000 farthings, and whose only means of payment was the shilling given to him by the promoters, in addition to a pot of beer, for affixing his signature to the deed. A new office generally set out in their prospectus that there was a capital of £1,000,000 all paid up—that is, the directors would vote £10,000 in paid-up shares to the promoters, and £10,000 paid-up shares to each of their own body. If asked where was their paid-up capital, their answer was that it existed in those paid-up shares. In 1853 it appeared by the Report of the Committee, that it was a common practice to register one prospectus and issue another, and that there were no means of preventing such misrepresentation. He was afraid that the same system existed now, and that it was just as impossible to prevent it as it was at that time. In 1864, it would be found that they had not advanced very much in the security of such institutions. After registration, a society was ready to commence operations—what were its operations? The constant receipt of money. It had nothing to pay whatever. It might luxuriate in the amount of its income, with no one to control it. If at any time the society was at a loss for funds, it had only to issue a few more agents and to stimulate their efforts by an allowance of 25 per cent on the amount of the premiums paid, receiving the remaining 75 per cent for its own necessities. At last the time might come when it would become necessary to make some provision for the payment of a large amount of loss. When that did arrive the directors might be called on to provide the money themselves. It happened not unfrequently when that time arrived, the directors were unable from their own private resources to make up the amount required among them, and the next resort was to amalgamate with another company. That operation might be thus described:—It was proposed to amalgamate. The office which had accumulated a number of insurances had a property in the policies and in the receipts resulting from them. The transaction had to be negotiated, and, of course, the negotiator received a considerable profit. Those who retired from the falling company had certain annuities provided for them. The company was then transferred to another, which, when placed in similar embarrassments, resorted to similar means of getting out of their difficulties. But if they were not so fortunate as to sell or amalgamate, they had to resort to the Court of Chancery, and many instances had been shown in which the societies had no funds and no means of discharging their liabilities. The great misfortune arising from this state of things was that the poorer classes had no means of knowing or judging of the respectability of any of these offices. He should very much regret if any of the observations that had been made in the House should have the effect of showing the necessity of an inquiry into the concerns of several of these offices, but it was quite clear, from the disclosures which had taken place with respect to two industrial societies, that many were not entitled to the public confidence. It was no small matter that the Government had come forward, and offered an absolute security. That was the great point. Where the existing societies had failed and did fail, and where the interests of the working man were in jeopardy, the Government stepped in and offered a complete security. Besides Insurance Offices, the Chancellor of the Exchequer had referred to Friendly Societies. He believed there was a sincere desire on the part of the working classes to place these societies upon a proper basis, and with a view to their ultimate success. But it did so happen, that with the best and most honest intentions on the part of the managers, they were so crippled and hampered that the funds gradually dwindled, that when old age came on, they were without the means of meeting the claims upon them. In one year, not less than sixty-seven of these societies, which had absorbed the hard-earned money of working men, were broken up; and when such a state of things existed, he thought every one must admit that the matter was deserving of the serious consideration of the House. Unless great care and attention was bestowed on the preparation of the tables, it was impossible that any society could succeed; and he spoke with the more authority, because in his own small parish, where an earnest endeavour had been made to carry out the Friendly Societies, two of them had failed, and many persons who for fifteen years had been investing their earnings, now, at an advanced period of life, found themselves consigned to the parish workhouse. It was circumstances like these which had induced the Chancellor of the Exchequer to take up the subject, not in any spirit of hostility to the Friendly Societies, and he trusted that those who supported the right hon. Gentleman would not be looked upon as doing anything injurious to these societies, but would rather be regarded as desirous of promoting their advancement. Every one would be glad to see the proposition of the Government become a dead letter, provided the societies could be established on principles which would afford that security which the Government were prepared to offer. The offer of the Government must be a gain to the working classes, because they would have the opportunity of either investing in a private society, or in that which afforded them absolute security. With regard to the objections urged to the Government engaging in undertakings of this description, the point was inquired into by the Committee, and it was considered that such interference was not only justifiable, but that it was a matter of high duty for the protection and information of the public. It had been said if the Government take up insurance why should they not become dealers, and embark in other commercial pursuits. Now, in commercial pursuits generally, the public had the opportunity of knowing the nature and character of the company; but in the cases to which he had been alluding, the poor man had no means of forming a correct opinion as to the stability of the offices with which he became connected. With regard to the suggestion that the Government might be open to considerable frauds, he did not see why precautions could not be taken to protect them against fraud as much as other parties. Then, as to the suggested interference with private associations. As regarded the great Insurance Companies, the measure could not touch them at all. If the condition of the minor offices was such as had been described, it was the duty of Parliament to interfere and provide that security which did not at present exist. As to the assertion that the project was unfair to those who invested their capital, the complaint was that these offices started without capital, and that the money received was improperly spent and squandered. The extent to which these practices had gone was almost beyond belief. Many hon. Members, from the information which had been afforded to them by their constituents of the disastrous effects which had resulted from these institutions, must be convinced that some means were necessary for the repression of such evils. He thought this was a matter which, when it became known, would commend itself to the working classes of this country, and he believed the country at large would feel an obligation to the right hon. Gentleman for having introduced it.

MR. POLLARD-URQUHART observed, that Mr. Mill headed one of his chapters, "Non-interference generally desired," referring to Government interference, but that proposition was subject to large exceptions upon the other side if the Chancellor of the Exchequer had succeeded in making out a good case for exceptional legislation in that case. He thought the scheme of the Chancellor of the Exchequer required much consideration, but if the suggestion of the noble Lord the Member for King's Lynn were acted on, and the accounts of the annuities kept separate from those of the National Debt, the working of the scheme would be seen very clearly, and if it were a bad one it would be sure to fall to the ground. At all events, it could at present be only regarded as experimental.

MR. HENLEY: I hope the discussion of this matter will be adjourned. Having regard to the formidable case put forward by the Chancellor of the Exchequer, I think if that case is well founded it will be an advantage to the right hon. Gentleman to have it well considered by the country; for in such case his Bill will give general satisfaction, and receive general support. I should not have ventured to say anything in this stage of the Bill if it had not been for the very strong manner in which the right hon. Gentleman spoke of Friendly Societies. With regard to Insurance Companies, I do not know much of them, and from what I do know of them I do not think very much of those of which he has spoken so strongly. But I was not a little surprised to hear the language used by the right hon. Gentleman when he spoke of Friendly Societies. "Swindling" was the mildest term he applied to them, and he ended by observing that they were in an unsatisfactory, he might even say fraudulent, state.

THE CHANCELLOR OF THE EXCHEQUER: No, no!

MR. HENLEY: I am glad I have given the right hon. Gentleman an opportunity of contradicting that statement; but certainly I understood him to use the word "fraudulent," and I took it down at the time. However, I am quite sure the general tenor of the right hon. Gentleman's speech to-night, with regard to Friendly Societies, will cause a panic in the country. I feel this very strongly, the more strongly because the right hon. Gentleman seemed carefully to avoid—certainly he did not touch on—the great objects of these societies. Their objects are threefold: payment in sickness, which the right hon. Gentleman leaves untouched; the deferred annuities, and payments on death, commonly called "payments for funerals." The right hon. Gentleman gives us no information whatever as to what proportion of the business of those 20,000 or 30,000 societies of which he spoke is in deferred annuities or payments to the sick. That is a most important element in the consideration of the matter. Again, the right hon. Gentleman gave us no information as to the proportion of lives insured under sixteen and over sixteen respectively; but he knows, as every one acquainted with the subject must know, that lives under sixteen are the most dangerous and troublesome to insure. The right hon. Gentleman used strong language when he said that of 20,000 of these registered societies about 9,000 had failed, and it is proposed, with that statement going to the country, to enter into competition with them for that part of the business which is supposed to be the most profitable, and to refuse to take that which he knows to be the most difficult and the most exposed to risk and hazard. But the right hon. Gentleman said, "I cannot propose to take insurances under sixteen." He knows the difficulty of that class of insurances, and he is also aware that poor persons wish to insure in order that they may have the means of burying their children. These are the points which strike me with regard to these societies, and I think that in dealing with this Bill they require careful consideration. I know that many of the Friendly Societies are not in a position one might desire; but it is another matter whether what is proposed to be done will improve them. On the point whether it is the payments on death or the payments on sickness that has caused the breaking down of those societies, no information has been given by the Chancellor of the Exchequer. As one who has had experience in the country, I believe they are much more likely to break down in consequence of the heavy sick payments than from any other cause. But that is to be left untouched by the present measure. All the liability is left on those societies; and a competition is to be entered on in respect to that which has helped to sustain them. The right hon. Gentleman in stating those 9,000 failures gave us no information as to the proportion of those societies which after winding up immediately reconstructed themselves, taking on themselves the old liabilities. That is a material point; because anyone who has had experience of the working of those societies must know that many of them after coming to an end by mutual agreement immediately reconstruct themselves, taking upon them the outstanding liabilities. I should be glad that the right hon. Gentleman would give us information on this subject, if it is in his power to do so. At all events, I hope the right hon. Gentleman will give time for the consideration of the measure; for I think, after the speech which he has delivered, it will strike the country, as it strikes me, that there is a deliberate intention to break up the whole system of Friendly Societies throughout the country. Certainly I do not see how you are to stop at £100. We have had no information as to what proportion of the assurances are above or below £100. I hope when this question comes on for further discussion, the right hon. Gentleman will give us information upon that point, because it does seem somewhat difficult to understand why, if a system of fraud is going on, you are to leave all persons assuring above £100 still exposed to that system. I will not detain the House any longer at present, as I understand we are not to go into Committee until after Easter, so that we shall have plenty of time to consider this subject.

Mr. BAINES said, he rejoiced to hear the practical remarks of the right hon. Gentleman the Member for Oxfordshire, and he hoped the Chancellor of the Exchequer would take into his consideration the points which had been so well explained. The most profitable portion of the business of Friendly Societies was life assurance. He was informed that the profit upon the sickness department of those societies might be reckoned at 10 per cent, while the profit upon life assurances was about 25 per cent, and in many, if not most, of the societies, the business of each of those two departments was about equal in amount. If they obtained 25 per cent profit upon the life assurances, it would enable them to pay for their agencies and to keep going, while probably the profits from the sickness department alone would not be sufficient. If the effect—unintentional as he believed it would be—of the Chancellor of the Exchequer's measure was to undermine those societies, and to jeopardize their existence, it would be a very grave misfortune. The number of persons interested in registered and unregistered societies in England and Wales was supposed to be about 3,000,000, and the property they represented had been estimated at £11,500,000. The question, therefore, was one of very great importance. Although he regarded the establishment of Post Office savings banks as a brilliant success, he could not but regard the proposed addition of life assurance to the duties of provincial postmasters with serious apprehension. It would be dangerous to employ small country tradesmen in the delicate matters connected with life assurance; and the medical officers of the Poor Law Union, though an efficient body of men, were amongst the youngest members of their profession, and were scarcely to be intrusted with the decision as to the persons to whom Government guarantee should be given, extending over a number of years. The machinery proposed by the Bill was objectionable, both as regarded the postmasters and the medical Inspectors. The hon. and learned Member for Guildford (Mr. Bovill) had used arguments not only against Friendly Societies, but also against Assurance Societies, which would equally apply to all joint-stock companies, and even to private commerce. It was to be regretted that the Chancellor of the Exchequer had not assented to the proposition to refer the subject to a Select Committee, because the Bill had already produced a kind of panic in the north, and the panic would be increased by the right hon. Gentleman's speech. Friendly Societies might in some cases be mismanaged, but in principle they were excellent institutions, possessing many moral, intellectual, and social recommendations. They were as old institutions as any that existed, and were as beneficial as any in their process. Admitting fully the necessity for searching inquiry and for solemn warning—admitting that further legislation was necessary, and that it might be desirable to call on Mr. Tidd Pratt to register not only the rules, but the tables of calculations of these societies—he was still afraid of a measure so sweeping in its nature. A cautious financier might well tremble to commence such a system, for it was not possible to try the experiment and then retreat. In the interval which would elapse before this measure would be brought forward again, he suggested that the Chancellor of the Exchequer should consider, whether it would not be advisable to have a Select Committee to inquire into the whole matter?

Mr. HARVEY LEWIS said, that while he acknowledged the anxiety of the right hon. Gentleman to promote the welfare of the working classes, he was still unconvinced of the propriety of the measure now put forward in their interest. The speech of the Chancellor of the Exchequer would, he feared, produce a panic throughout the country respecting Friendly Societies, and seeing that an immense amount of property was at stake there, and that the savings of three millions of people might be said to be invested in those societies, it was to be regretted that the whole of them should be exposed to unmerited suspicion because of the faults of a few. The House had heard of their misdeeds, but not of the good they had done, the habits of self-reliance and the love of local self-government which they had fostered. There was a danger that if the people were led by such measures as this to look to the Government alone, they would no longer have thought or energy to do anything for themselves, but in any misfortune which occurred would look on the Government as the cause and themselves as the victims. If the people who had surmounted the cotton crisis so nobly had not been brought up to rely on themselves rather than on the Government, they would have thrown themselves on the State for relief the moment distress came upon them ; and if that feeling were destroyed by such measures as the present, a grievous blow would be aimed at the independence of the English character. Granting that there were faults in the management of those societies, was the remedy suggested the right one? It was not proper to make accusations when there was no one to answer them, and to legislate as though everything was proved. Even Government Departments were not wholly free from fraud, and it might be that the evil which would be created by this measure was greater than that which it was sought to remedy. This business into which the Government now proposed to enter was a mere speculation, and who was to pay the cost of failure, if failure ensued? Life assurance was one of the most delicate of commercial operations. Actuaries were required at high salaries, eminent physicians must be employed, and how were these expenses to be defrayed? Then, enormous frauds were perpetrated on the Insurance Companies, and still more would be perpetrated upon the Government by personation and otherwise. The extent to which the right hon. Gentleman now proposed to go was £100; but in a few years' time the House might be asked to extend this limit to £200, £300, or £1,000. Many people had lost money by banks, but ought the Government, therefore, to establish banks, and follow that up by centralizing the industry of the country? He thought the people ought to be allowed to take care of themselves as far as they could. He had never heard one word of complaint as to the want of those annuities, or in favour of that Bill, but he had, on the other hand, received many communications from his constituents against it. The working classes were very good judges of what benefited themselves, and they looked upon the interference of the Government in everything that did not concern the Government with extreme jealousy and suspicion. The people of this country did not pay taxes for the purpose of enabling the Government to speculate with them. The Bill might be a success, but it might also be a failure, and, if so, who was to sustain the loss? The country was, to a certain extent, taken by surprise by the Bill, and he trusted that it would be referred to a Select Committee.

SIR MINTO FARQUHAR begged to move the adjournment of the debate. The Chancellor of the Exchequer was, he understood, ready to adjourn the debate until Thursday week, with the understanding that the House was not to go into Committee until after Easter. At the same time, he reserved to himself the right to move an Amendment that the Bill should be referred to a select Committee.

MR. REMINGTON MILLS said, he wished the Chancellor of the Exchequer would give the House a Return of the payments to Friendly Societies during the last twenty years. He also thought that the House ought to have the scale of premiums on which the right hon. Gentleman intended to act. That was a matter of the utmost importance in the consideration of this Bill. The Government was, he thought, likely to fail in its medical arrangements. Before Insurance Companies accepted a life they could consult the medical adviser or the party proposing for the insurance, their medical agent in the neighbourhood, and their medical advisers in London. The Board of directors could also see the parties themselves, and if any doubt existed as to whether the life was a good one or not, an additional sum might be put on to cover the risk. But the Government scale must be absolute, and they must adhere closely to it. The next thing would be to tell the

Friendly Societies that if they did not adopt the Government scale, they would not be allowed to have the benefit of the Government rate of interest. He was very much afraid that that Bill would cause a serious panic among some Friendly Societies, and that the Government operations would shut up others. In annuities the worse the life the better for the Government, but the reverse would be the case in life insurances. There would be this difference, also, that a Board of directors sat to make a profit for themselves and their co-proprietors, or policy holders, while a Government Board would only have a certain amount of business to get through. The caution and discretion of a Board of directors was not, therefore, to be expected from a Government office. For these reasons he feared that the scheme of the Chancellor of the Exchequer would practically turn out to be a failure, and a source of loss rather than profit. He trusted that the right hon. Gentleman would, at the earliest possible period, let the House see the scale of premiums.

THE CHANCELLOR OF THE EXCHEQUER said, he saw the desire of the House for the adjournment of the debate, and he would not dispute its reasonableness. He should not object, therefore, to the adjournment of the debate until Thursday week, in order that the Speaker might then leave the chair *pro formâ*, so that the House might go into Committee on the Bill on some convenient day after the Easter recess. In regard to the desire of his hon. Friend (Mr. Remington Mills) to obtain a Return of the payments to Friendly Societies, he could assure him that he had it already, such a Return being regularly made under an Act of Parliament. With regard to the safety of the proposed scheme, he had stated that though he felt quite convinced of it, yet he entirely recognized the legitimacy of the jealousy of the House upon the subject, and he quite acceded to the proposition that any rules upon which the Government should act should come under the notice of the House of Commons before being carried into operation. Of course, if there were loss in the operation of such rules, that loss could be borne only by the public. It had been supposed that he had declared that it was not possible to guess the solvency of any scheme of assurance for thirty-seven years after it was founded. But in that he had been greatly misunderstood. What he had said was, that the payments upon death of a Life Assurance Society need not exceed the receipts upon premiums for a period of thirty-seven years, and his authority for that statement was a table of Dr. Farr's. As to any element of uncertainty, the calculations made upon the subject were of so complete and exhaustive a nature, that the result was as practically certain as anything in the future could be. It had been said that the Government were going to take away all the profitable business of those societies, and to leave them the unprofitable—that was to say, that the sick department and the very young lives were unprofitable. That reminded him of the old story, that it was the wheat crop which paid the farmer's rent. But in each well constituted society every part should pay. The lives of children involved various elements of risk, and, therefore, did not seem so proper to come within the scope of the Bill. It had been said by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), that great alarm was likely to arise from what he had said on the subject of Friendly Societies. But the right hon. Gentleman himself went on to say that many of them were not in a condition that he could wish. He did not go further than that, except that he added that many had the name of Friendly Societies, but were really different, and with respect to them he stated facts. But with regard to the generality of Friendly Societies he rendered his tribute to their character. The hon. Member for Marylebone had said, that it was unfair to make accusations which there was no one to answer. But he had told no secrets. He had heard many things in the course of his inquiries, but because they were communicated in private conversation, and it was impossible for him or others to check them, he had kept them back from the House. He was not aware that he had made any statement which did not rest upon printed and published documents, just as much in the possession of hon. Members as of himself. The hon. Member for Marylebone (Mr. Harvey Lewis) was apprehensive that the effect of the measure, if adopted, would be fatal to Friendly Societies. But he took a more sanguine view of the matter, because he looked back to what had been the case of savings banks. For nearly twenty years there had prevailed among their very best friends and in all successive Governments an impression that there was a great deal that was not secure in their existing rules, and efforts were made from one quarter and another to pass Bills for their reform. He himself attempted it, the late Sir George Cornewall Lewis attempted it, almost every Chancellor of the Exchequer and other hon. Gentlemen did the same, but without effect. But the Post Office Savings Banks Bill was passed, and those banks came into competition with the old savings banks, and the result was that the hon. Member for Evesham, one of the best representatives of the old savings banks, introduced a Bill on the subject which made everything secure. That was what he believed would take place in the present case.

Debate *further adjourned* till *Thursday,* 17th March.

WAREHOUSING OF BRITISH SPIRITS BILL.—COMMITTEE.

Order for Committee read.

Mr. LYGON said, he rose to move that it be an Instruction to the Committee that they have power to provide for the Amendment of the law relating to the Warehousing of Foreign Spirits. The right hon. Gentleman the Chancellor of the Exchequer when bringing in the Bill, moved to be allowed to introduce a measure relating to the Warehousing of British and Foreign Spirits, but the Bill itself dealt only with British spirits, and when being read a second time he endeavoured to obtain some information with regard to the omission of the provisions on the subject of foreign spirits. The necessity for that Bill arose very much from the Act for the consolidation of the Customs and Inland Revenue Establishments. One of the main points of the Bill turned on the 10th clause, which provided for the removal of British spirits in bond from the Customs' warehouses, and in the event of the Instruction which he was about to propose being adopted, it would be in the power of the Committee to insert a clause which would enable foreign spirits to be dealt with in like manner, *mutatis mutandis.*

Motion made, and Question proposed,

"That it be an Instruction to the Committee on the Bill, that they have power to provide for the Amendment of the Law relating to the Warehousing of Foreign Spirits."—(*Mr. Lygon.*)

The CHANCELLOR of the EXCHEQUER said, that the Bill arose out of the deliberations of a Committee, on which the right hon. Gentleman the Chancellor of the Duchy of Lancaster sat on the part of the Government. That Committee made no Report; and in drawing up the first Bill an error occurred, for it was discovered that there was no reason to suppose that the Committee desired to introduce into the law any change with respect to foreign spirits. The present Bill was, therefore, confined to the case of home-made spirits; and if they were to adopt the principle of making Excise warehouses available for foreign spirits they could not stop there, but must make them also available for tobacco, tea, sugar, and all other duty-paying commodities. The Excise warehouses, however, were not on a large scale, and were not adapted for the reception for foreign commodities imported into this country. If foreign commodities were placed under the supervision of the Excise, a complete system of inland bonding would have to be adopted, and a very heavy expense would be entailed on the Government. It was agreed that inland bonding should not be adopted without the greatest care and consideration. If it were resorted to it would be necessary to adopt also the extra charge of 5*s.* per cent, which was levied on all goods delivered out of bonded warehouses, in consideration of the trouble caused by the arrangement. The present measure afforded relief to the distiller's trade without any great trouble to the Government, and that trade was entitled to the most favourable consideration, inasmuch as it was pressed on by the duty being raised, by being opened to foreign competition, and, most of all, by the change of taste in favour of lighter liquors.

Motion, by leave, *withdrawn.*

Bill *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

PUBLIC ACCOUNTS.

Committee on Public Accounts *nominated:*—Mr. Walpole, Mr. Edward Pleydell Bouverie, Sir Henry Willoughby, Mr. Goschen, Mr. Howes, Mr. Peel, Sir Stafford Northcote, Mr. Cobden, and Mr. Pollard-Urquhart.

House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Tuesday, March 8, 1864.

MINUTES.]—Public Bill—Sir John Lawrence's Salary (No. 10), *considered* in Committee and *reported.**

DENMARK AND GERMANY — INVASION OF DENMARK — THE CORRESPONDENCE.—QUESTION.

The Earl of DERBY: My Lords, as I do not intend to raise any discussion upon the Question of which I have given notice, Whether it is the intention of Her Majesty's Government to lay upon the table any further Papers relating to the Danish Invasion extending to a later period than those already published—perhaps the noble Lord the Secretary for Foreign Affairs may think it convenient to answer it before we proceed to the ordinary business of the day. Upon the very voluminous and important papers which have been laid upon the table of both Houses of Parliament I do not intend to offer any observations. Those papers certainly disclose a condition of our foreign relations which imperatively requires, and will doubtless receive at no distant day, the deliberate consideration of Parliament. But circumstances are changing so rapidly, events are succeeding each other so fast, and such a total change in the position of affairs has taken place since the date of the last paper laid upon the table of the House, that I am sure I shall be excused for pressing the noble Lord to give us the latest information in his power as to the progress of the conflict between Denmark and Germany. The papers which have been presented to Parliament close with the unsuccessful attempt on the part of the noble Earl to obtain from the German Powers a postponement of the military operations in the Duchies. Since then, the noble Earl, I believe, has proved unsuccessful in three several instances—first, in obtaining an armistice for the purpose of agreeing to a Conference, to effect, if possible, a settlement of the differences; secondly, in obtaining a Conference, even without an armistice; and thirdly, in preventing — what I cannot doubt his having remonstrated against —the further steps which have been taken by the Austrian and Prussian forces. At the date of the last papers, Prussia and Austria had refused any delay of their advance to occupy the Duchies; but that occupation, according to their own statements, was at the time confined to taking possession of them as a material guarantee for the subsequent fulfilment by Denmark of the engagements entered into by her in 1851. Since then the circumstances have entirely changed by the occupation of Schleswig in a totally different character. Schleswig is no longer held as a material guarantee; the invading forces have taken it on themselves to do acts entirely inconsistent with the mere holding of the Duchy as a pledge, to be subsequently restored to its rightful owners. They have, for example, determined to destroy the Dannewerk, an act which, I believe, to be totally inconsistent with the position they assume, although it is quite true that the Dannewerk is a great fortress, and in future times might be of the greatest importance to Denmark. They have also taken on themselves to dismiss the Danish authorities, and by their sole authority to introduce German as the judicial language, even in purely Danish districts. At present they hold, though certainly in the face of some resistance, the whole of Schleswig, excepting the island of Alsen; but they have gone much beyond—they have commenced operations in Jutland, and the important town of Fredericia, commanding the passage to the Island of Funen, is now the subject of attack. Under these circumstances, the war certainly assumes a very different character from that which it presented at the date of the last despatches of which we are in possession. I will not comment on any of these documents. I have no doubt the noble Earl has done his best to prevent these unfortunate occurrences. But I wish now to ask him, Whether, under these altered circumstances, and with matters becoming day by day more critical and dangerous to the peace of Europe, he will consent, without loss of time, to lay further papers before your Lordships, extending down to the latest period to which his information has reached?

Earl RUSSELL: My Lords, the way in which the noble Earl has put his Question makes it necessary for me to state my views with regard to what has taken place. The noble Earl is aware that the German Powers—that is to say, Austria and Prussia—having declined to accede to the representations of Her Majesty's Government, and also to those of France and of Russia, entered on what I consider a most unjustifiable war. I say "a most unjustifiable war," because it has been generally laid down, with the consent of Europe, that, whatever cause of war may exist on the part of one State against another, that right of war must be postponed until reparation has been asked for and refused. Now, in the case of which we are speaking, though reparation was not given in the first instance, it was promised some time before the Austrians and Prussians could enter the Duchy of Schleswig, and therefore the allied troops—the troops of Austria and Prussia—entered the dominions of the King of Denmark, having before they occupied the Duchy of Holstein been aware that the King of Denmark was ready to consider their demands, and, I believe, had promised to take measures for the reparation of the wrong which had been done. I ought to mention, as there appears to have been an incompleteness in the statement made formerly, that the Danish Prime Minister alleged, that if the Constitution was to be repealed it would be necessary to re-organize the Danish monarchy, and that he was prepared, with the advice and consent of the non-German Powers, to do so. Having brought the question to this point, I consider that the Danish Government would have been fully justified in taking either of two courses. Had they thought proper, they might have treated the question merely as one of material guarantee, and have silently submitted to the occupation of portions of their territory for a temporary purpose; they would, on the other hand, have been fully justified in considering the invasion as an unjustifiable aggression, forming a ground for war, and in resisting it as such. The latter was the course which they took; they resisted the entry of the German troops, and although they abandoned the line of the Dannewerk they occupied the first strong position which they found in the rear of it. Then followed the decision that the Austrian and Prussian ships at sea should be captured. But beyond that, the Danish Government maintained that they had a cause of war against the other German Powers which, having ordered the Federal Execution in the Duchy of Holstein, had not confined their soldiers to the proper duties of troops of execution, but had permitted, had encouraged, had favoured the assumption of the sovereignty of that Duchy by a Pretender, who claimed it as against the King of Denmark, and thereby endeavoured to deprive that Monarch of part of his dominions. They therefore alleged, and I think justly, that they had a cause of war against the German Powers, and they ordered all the German ships that might be found at sea to be captured by Danish cruisers. My Lords, it is said that the beginning of strife is like the letting out of water, and certainly the conduct of Austria and Prussia affords an illustration of the truth of that maxim. They declared that this being war, they were no longer bound to consider it as a question of material guarantee, and that they would carry it on as a matter of war. They directed their troops, in the first instance, to take possession of a town in Jutland, and they have since declared that they mean to occupy the whole of that province. The noble Earl asks whether, in this condition of affairs, I shall not think fit to give further papers illustrating the course of these events and the conduct of Her Majesty's Government. I should say—and I think the noble Earl will agree with me—that it is not for the advantage of the public, or of any negotiations, that papers should constantly be laid upon the table. Either at the close, or at a break in the course of events, papers may be given; but it certainly would not be advisable that each step in the negotiations and every despatch, to which in some instances an answer might not have been received, should be made matter of Parliamentary discussion. There is, however, approaching a period when there must be a break in the course of these events. The noble Earl has referred—not very accurately—to the steps which Her Majesty's Government have taken in order to restore peace. We first endeavoured to procure an armistice. That did not succeed, the German Powers declaring that they would not consent to it. We next proposed that the belligerents should meet in conference to endeavour to restore peace without any cessation of hostilities. Two of the Powers, Austria and Prussia, stated that they were quite ready to enter into a Conference for that purpose, and they have since declared that they are ready to agree to an armistice based either upon the maintenance of the military *status quo* or upon other conditions. Her Majesty's Government did not think it advisable to propose to the other Powers, who are not belligerents, to enter into that Conference until the decision of the belligerent Powers had been received. Therefore, these proposals were addressed only to Austria, to Prussia, and to Denmark. I have told your Lordships that Austria and Prussia were ready to agree to that Conference. The answer of Denmark has not yet been received. Her Majesty's Government said, that as it was reported that great excitement existed at Copenhagen upon this subject, they would not press for an immediate reply; but, at the end of this week, we expect that Denmark will answer either in the affirmative or negative the proposal that has been made. As soon as that answer has been received, there will obviously be a break in these affairs. Either the Powers will enter into Conference—I have no doubt from the intimations which I have received that France, Russia, and Sweden would be ready to go into these Conferences —and then negotiations will begin on a new footing, or the Conference will be refused by Denmark, and then again the war will take a new shape. I therefore consider that when we have received the answer which we are expecting from Denmark, and which cannot, I think, be received later than the beginning of next week, will be the proper time to prepare the papers for production. I trust that the noble Earl will feel that it is fitting that papers should not be given constantly; and that he will think that the publication of documents giving an account of what has happened from the 1st of February to nearly the middle of March will be a production of papers such as Parliament has a right to expect.

THE EARL OF DERBY: I hope that we shall receive the papers before the Easter recess. They must be in course of preparation, and it cannot be necessary that at the close of these negotiations any lengthened period should be occupied in preparing them. It would be convenient that they should be in the hands of noble Lords before we adjourn for the Easter recess.

EARL RUSSELL: They shall be prepared as soon as possible. I cannot pledge myself to produce them by a particular time, because every one at the Foreign Office is so busy with the papers which have been asked for relating to China and America, that it will be very difficult to get them ready immediately.

VISCOUNT STRATFORD DE REDCLIFFE: My Lords, I do not rise with the intention of prolonging this conversation. The subject on which it turns is indeed most interesting and important. But I feel, in common with the noble Earl opposite, that the time is not yet come for going into its merits as fully and decidedly as a more complete knowledge of the correspondence would enable us to do. We have reason, I conceive, to thank my noble Friend on the Treasury bench for the additional information which he has now supplied. I confess that I came down to the House this evening with the intention of asking another and perhaps a more decisive Question than that which has been put by my noble Friend on the other side. I meant to ask, whether we might expect to hear from Her Majesty's Government, before the two Houses separated for the approaching holidays, some distinct announcement of the policy they are prepared to adopt on the close of that long series of endeavours for peace by which they have displayed their earnest anxiety to compose those unhappy differences which have converted the territory of Denmark into a theatre of war? Such a declaration we are entitled to expect, if the pledge already given, some little time ago in the other House of Parliament, is to be redeemed. I enter fully into all the difficulties of the question before us. I should be sorry to embarrass those who are responsible for our part in them; I would make full allowance for the complications which beset them on every side; but I cannot disguise my impression that any unnecessary delay in coming to a decision — any useless protraction of the present uncertainty—would be not only inconsistent with what is due to Parliament and the country, but highly prejudicial to the public tranquillity and to the interests of our immense and sensitive trade. Hesitation and an absence of all precipitancy in the earlier stages of a question involving such vast interests and perilous chances may be, and often is, a paramount duty; but such indecision ought to find limits in the probability of success and the requirements of national credit and the national prosperity. What I now understand from my noble Friend the Secretary of State is, that the line of negotiation has not been yet spun out to its extreme end, and that some few days must still elapse before a sufficient break in the course of proceedings can warrant the production of more papers, and also a decision between continuance in the same course, or the adoption of a new one. Of all the Members in your Lordships' House I should be the last to require any communication inconsistent with the interests of the State and a fair consideration for the Government; and therefore I am content to reserve the question which I had intended to put, and which, in my mind, would have been warranted by the increasing complication of events, by the apparent preparations in Sweden, by the undisguised concurrenc of Austria with the aggressive operation of Prussia, and in general by the impending danger of a more extended war, at the eventual cost to Denmark of its strength and independence, and perhaps to all Europe of its best and dearest interests. I learn with pleasure that there is still a chance of settlement, though it be only a chance, and the more so, as that failing, nothing would seem to remain but the sad alternative of total inaction—if you please, a dignified abeyance—or an attitude of resolute interference in co-operation with such friendly Powers as have sincerely at heart the claims of justice and the welfare of Europe.

THE EARL OF ELLENBOROUGH:— Will the noble Earl the Secretary of State inform us what were the precise conditions as to the armistice which were proposed by Austria and Prussia?

EARL RUSSELL: It is impossible that I should state precisely the conditions of the armistice, because those received from Vienna and Berlin do not entirely agree. I would, therefore, rather not attempt to state precisely those conditions; but, as I understand, the Government of Berlin is quite ready, and probably that of Austria would not object, to conclude an armistice on the condition that each Power should maintain its present military position, or the position, whatever it may be, at the moment the armistice is made. There is another proposal, that the whole of Schleswig should be given up to the Austrian and Prussian troops which have invaded it, and that the whole of Jutland should be occupied by the Danes. I cannot say anything as to the acceptance of that proposal.

THE EARL OF ELLENBOROUGH: I hope the noble Earl will at once reject it.

EARL RUSSELL: It is not proposed to me. It will be for the Danes to consider what is for their own interests. My noble Friend asks a Question which it is difficult to answer. There is no sort of complication which seems to be left out in this case. We have not only the complications between Denmark and Austria and Prussia, relative to the understanding of the somewhat obscure conditions of 1851, but there is in addition the Question, how far Austria and Prussia on the one hand and Denmark on the other are ready to abide by those conditions? What we have stated, and what was stated on the 31st of January, before Parliament met, and again by Austria and Prussia within these few days, is that they abide by the condition that the integrity of Denmark should be preserved and respected. There is, however, no very definite statement made as to how far the conditions of 1851 are to be abided by. Austria and Prussia, it would seem, will not be content with the conditions then laid down, but require some further arrangement. Now, anybody who looks into these conditions must see that there might be variations made in them which would still leave Denmark free and independent, and others which would make the Government at Copenhagen dependent on foreign Powers. It would therefore be difficult to say what course the Government might, under these circumstances, feel called upon to take. But beyond what I have stated, there are complications existing in Germany itself. About one-third, or nearly the whole, of the Federation are in favour of the Pretender, who we thought had consented to renounce all claims, and never to disturb the King or the family of the late King of Denmark. Then, again, there were several Powers changing from time to time—at one time declaring for the Prince of Augustenburg and at another time for the King of Denmark. These things make it exceedingly difficult for the Government at this moment to announce its intentions. All I can say at present is that Austria and Prussia solemnly declare that they do not mean to go beyond the declaration of January, 1831, and are prepared to maintain the integrity of Denmark.

CURTIS'S STEERING SCREW—PROPELLING AND STEERING STEAM SHIPS.

PETITION.

THE EARL OF HARDWICKE *presented* a Petition from Mr. W. J. Curtis, praying for a favourable consideration of his invention for propelling and steering steam ships. The noble Earl said, the inventor felt himself aggrieved by the policy and conduct of the Admiralty. This was a time of great change in the construction of ships, and among other matters of difficulty which had arisen was the difficulty of steering, and many attempts had been made to enable them to steer long ships in an easier way than the present mode. It was quite right that all inventions should be subjected to a thorough test before they were submitted to the Admiralty; but this was a peculiar case, as the rapid steering of the ships of the navy was more important to them than it was to merchant ships, which, when once out of port, went straight away on their voyage, whereas the power of a ship's armament depended very materially on the power of manœuvring her rapidly. Mr. Curtis suggested to the Admiralty that he should be allowed to make use of a gunboat, and he obtained one 160 feet long, and applied it to his steering apparatus, and a series of experiments was made, and he was to supply all the means of making these experiments at his own expense. The experiment appeared to be one of sufficient importance to induce the public journals to send their reporters to be present, with a view of giving an account—as they generally did with so much intelligence—of what was going on, and the statement made by the reporter of *The Times* with respect to the particular experiment of Mr. Curtis which had been tried on board the *Charger* gunboat, was of a most flattering character. There was, besides, a certificate, making satisfactory mention of it, from two marine surveyors, as well as a statement made by Sir Edmund Belcher, and another emanating from a Russian Rear Admiral, expressing their approval of the invention, the opinion of the latter being that by its means the vessel was enabled to manœuvre with a rapidity which would be impossible in the case of an ordinary screw. The pilot who went in the gunboat from the Thames to Portsmouth reported that the screw and steering apparatus acted admirably in a gale of wind, and allowed the vessel to turn round quicker than any other screw which he had seen. The assistant pilot confirmed that statement, and added that the vessel was easily brought head to wind and tacked in a manner to excite the admiration of all on board. Throughout the whole of a trying passage the screw, he said, worked satisfactorily without damage to the vessel or machinery. The petitioner had set out these statements in his petition to show their Lordships that the experiments had succeeded, and in carrying out these experiments he had incurred an expense of £2,000, and after that he was dropped by the Admiralty, and heard no more on the subject, nor could he learn in what he had failed, and therefore he came to their Lordships. He (the Earl of Hardwicke) thought this a case for investigation, as if the Admiralty availed themselves of the labour and of the minds of these gentlemen who made inventions, and then rejected them without giving any reason, it must have a discouraging effect on that very useful body of men.

THE DUKE OF SOMERSET said, he was glad the noble Earl had brought the subject forward, because it afforded a good illustration of there being two sides to a question. Their Lordships had heard the opinion of the inventor as to the value of his invention. He would state shortly the reports which he had received of the same invention. In November, 1862, Mr. Curtis proposed his invention to the Admiralty. It was sent to him (the Duke of Somerset), and, as he did not pretend to be a judge of a question which really involved a great deal of engineering skill, he sent it to the Controller's Department. The Engineer-in-Chief in London, who was a gentleman of great experience, after looking at it, said he had no confidence in it, and pointed out that whereas the chief difficulty as to steerage in all vessels was in the after part not being sufficiently strong, this plan tended to weaken the after part of the vessel, instead of strengthening it. He was anxious to get another opinion, and he sent the model down to the Engineer at Portsmouth, and, without telling him that he had received any report, asked for his candid opinion upon it. That opinion was against the invention as being of no practical value, and that it was not desirable that the Government should incur any expense in trying it. He then told Mr. Curtis that, in the face of those opinions, he did not feel authorized in putting the public to any expense in experiments. Mr. Curtis proposed to fit up a gunboat at his own expense if the Admiralty would lend him one; and, as he thought there was nothing like trying a thing practically, he assented. Accordingly, a gunboat was placed at the disposition of Mr. Curtis, who went to Portsmouth and had it fitted up under his superintendence and to his perfect satisfaction. Mr. Curtis then begged leave to be allowed to bring the gunboat round to the river Thames; and as it was said the invention added to the speed of the vessel, and therefore was of equal value in merchant ships as in Her Majesty's ships of war, he thought those connected with the private trade would, at all events, have an opportunity of seeing the experiment in the river. The vessel was not finished until August, 1863. The moment it was ready for trial he sent directions to an officer of the steam reserve at Sheerness to make the trial, in order to see how the steering apparatus answered in comparison with the ordinary mode of steering, and whether it affected injuriously the machinery of the vessel. Another gunboat of about the same size was taken out, and the report was that in turning she did it in ten seconds less time than the gunboat with the improved rudder. The officers who made the trial also reported that when the engines stopped, from the peculiar mode in which the rudder and screw were connected, the vessel was totally unmanageable, and that there was a very objectionable rattling of the screw, which would certainly increase with the working of the vessel. Another trial was made, and afterwards a letter was sent to Mr. Curtis, telling him that it was of no use trying it any further, and that the vessel might go back to Portsmouth. He might also mention that when in the river, in the course of one manœuvre, the gunboat ran over an oyster vessel. When she got back to Portsmouth, with the consent of Mr. Curtis, Captain Cochrane, of the *Warrior*, tried her, but it did not lead to any more favourable report. He then received from Mr. Curtis a letter attacking all the persons who had been concerned, saying that every one had been most dishonest, and had conspired and leagued together against him. The newspaper at Portsmouth did not think the trial successful, and immediately Mr. Curtis wrote to Captain Cochrane accusing him of having written the article. Captain Cochrane, however, replied that he had neither written the article nor given any suggestions for it. Mr. Curtis further attributed all that had happened to the fault of the Admiralty, notwithstanding that they had incurred some expense in trying the invention. The Admiralty had, from the first, been informed by all practical men, that the invention would not succeed, and the trial by officers who had not been previously consulted confirmed their opinion. This showed the state of mind at which the inventor arrived—declaring that he had been ill-treated from beginning to end, and laying all the blame of his failure at the door of the Admiralty. The last letter which he had received from Mr. Curtis was to the effect that he should petition Her Majesty, and should lay the whole case before both Houses of Parliament. The noble Earl was the first person who had brought it before Parliament, and he hoped he had given him a satisfactory answer. At the trial there certainly was an advantage on the side of Mr. Curtis's invention in the matter of speed; but the trial was not for speed. The gunboat which was taken out to try against her had her boilers leaky and her bottom foul, and there was very little difficulty in beating her. The trial had been very fairly conducted, and he could only point out to the inventor that if his invention were as valuable as he maintained, the whole shipbuilding and commercial interests of the country would be certain to take it up.

Petition *ordered* to lie on the table.

RESIGNATION OF SIR ROWLAND HILL.

QUESTION.

Lord TRURO rose to ask Her Majesty's Postmaster General, Whether the Rumour of Sir Rowland Hill's Resignation is well founded; and, if so, whether he has any Objection to state the Circumstances under which that Resignation has taken place? The noble Lord said he put the Question to satisfy the strongly expressed desire of the public to know the truth of the rumour to this effect which had got abroad. He was sure that it would cause general regret to hear of the existence of any cause for the retirement of a man who had conferred such an immeasurable benefit upon the country, and, indeed, upon the whole civilized world?

Lord STANLEY of ALDERLEY said, it was true that Sir Rowland had recently resigned his position in the Post Office in consequence of the state of his health. Six months ago he applied for six months' leave of absence, in the hope that he might then be enabled to resume his duties; but at the end of that period—the beginning of this month—he forwarded his resignation, saying that the six months' leave of absence had not restored his health, and accompanying it with a medical certificate stating that it would not be safe for him to resume his duties in the Post Office. Those were the whole circumstances connected with Sir Rowland Hill's resignation, as far as he was acquainted with them. He was sure that he should meet with their Lordships' concurrence in expressing the deepest regret at the retirement of this able public servant. The name of Sir Rowland Hill would be inseparably connected with the establishment of the penny post system—one of the greatest improvements of the present age—and which had, perhaps, conferred more benefit on mankind than any other recent reform. Those who recollected the state of things before the penny post would know that to the poorer classes correspondence by letter was at that time almost practically interdicted, that to the class above them the cost of a letter was a very serious matter, and that in the commercial and mercantile world intercourse was injuriously restricted by the expense of correspondence. Since its first introduction the penny post system had been greatly extended; facilities of all sorts were given; money orders and savings banks had been connected with it, and in every way it had been largely developed. It had become popular all over the civilized world, and with it the name of Hill would be for ever connected. Their Lordships would confirm him in expressing the general regret which would be felt by the public at his retirement, and the universal acknowledgment of the value of his services would, no doubt, be a great satisfaction to Sir Rowland Hill.

THE AUSTRIAN FLEET IN THE BALTIC.
QUESTION.

THE EARL OF SHAFTESBURY: My Lords, I rise to ask the Secretary of State for Foreign Affairs, Whether he can give to the House any Information respecting the Movements of the Austrian Fleet towards the Baltic? My reason in putting this Question will be obvious. Never have I known the people of this country more profoundly stirred than at present, never have I known greater anxiety displayed than in the contemplation of the struggle between the little and gallant kingdom of Denmark and the two great overgrown German Powers — 50,000,000 against 3,000,000. It is very strange that this country should find itself now in opposition to Austria and Prussia, the two great Conservative monarchies from whom we looked for nothing but peace and order, and from whom we now expect nothing but conflagration. But, my Lords, so it is. We cannot look without dismay—and I am sure the whole country feels what I say—at these two great Powers resuming their old career of insult and spoliation. Now, I must say the feelings of the country have been very much touched by the conduct of the King of Denmark. The concessions the King of Denmark has promised to make must be considered as a sufficient reparation for any wrongs which may have been committed. It is not necessary to argue here whether the Danes were in the right or not with regard to the Patent of Holstein and the Constitution of Schleswig. They have agreed to recall those Constitutions and to make the utmost concessions which were originally asked. This little kingdom comes before its mighty oppressors, saying, "Have patience with me, and I will pay you all;" but the oppressors seize her by the throat, invade her territory, have inflicted on her unutterable calamities, and have instituted a war which for wantonness and needlessness is one of the most disgraceful to be found in any page of ancient or modern history. It is an ominous feature of that war that the Austrian fleet is said to be making its way towards the Baltic. Perhaps it is singular that one should hear at all of an Austrian fleet; certainly it is singular to hear of it with any misgivings; and I therefore ask my noble Friend, whether he can furnish us with any information on the subject. Upon this point I will make but one remark. We may receive a reply to the effect that the Austrian fleet is making its way in great force to the Baltic. If that be so, we can have no doubt as to its destination or its purpose. Or, we may be told that there are only one or two vessels. That will be most unsatisfactory, for we shall regard them as precursors of a larger force. I do not hesitate to say—and I am sure I do not stand alone in the country of England in saying it—that whether the force of Austria be great or small, I trust it will be met at the entrance of the Baltic by a British fleet, and that this British fleet will have the instructions of Her Majesty to watch its movements, to restrict its operations, and, if necessary, to defend by force of arms the integrity, and, I will say, the sanctity of the Kingdom of Denmark?

EARL RUSSELL: I will only answer my noble Friend as to the facts which have come to my knowledge with respect to the intention of the Austrian Government. When we first heard that ships of war were to be sent from the Adriatic, I wrote to our Minister at Vienna, and I inquired of the Austrian Minister in London as to the intentions of the Austrian Government. We were told that there were many Austrian ships in danger in the Mediterranean and the Adriatic from Danish ships, and that it was necessary to protect them; and we were told also that there were about 140 ships bearing the Austrian flag coming from America about this time, and bound to English ports, and that it was the intention of the Austrian Government to send two or three vessels of war to the mouth of the Channel in order to save those ships from any Danish cruisers that might be on the look-out for them. But within the last few days another rumour has been circulated, and I have received further information. It is said, in the first place, that there is no intention whatever of sending any Austrian ships into the Baltic; that neither to the Cattegat nor further through the Baltic is it intended to send any Austrian ships. That is the statement of the Austrian Government. But they say that if the blockade of the Elbe is instituted there is danger that a great deal of German commerce may fall into the hands of the Danes, and that they think it necessary to contribute an Austrian squadron in order to protect that commerce. Now, my Lords, without stating at all what course should be pursued, or what may hereafter be found to be the actual course which the Austrian Government will pursue, I must say that, considering what the Austrian fleet is, and considering what the Danes are, it seems to me that Austria sending a fleet into the North Sea to protect nationalities oppressed by a foreign race, is a course which every true friend of Austria must deplore.

THE EARL OF ELLENBOROUGH: My Lords, I wish I could hear declarations made by the Austrian Government with the same feeling with which I should have heard them two or three months ago; but when I look at the conduct of Austria, in not only giving her sanction to the invasion of Jutland, but in sending troops there, and to assist in the siege of Fredericia, after we had heard that her efforts were to be confined to the occupation of Schleswig, for a special purpose, I confess I feel bound to look to inferences and probabilities rather than to her representations; and I must think that the Austrian fleet in its whole force is destined for the Baltic, there, in conjunction with Prussia, to establish a maritime superiority, in addition to the military superiority which Austria and Prussia have already established. If the statements made as to the respective strength of these fleets be correct, there can be no doubt that would be the result of the arrival of the Austrian fleet in the Baltic. Nothing could affect their maritime superiority there; and I cannot but believe that such a superiority is their object. We are told —and I suppose there is no doubt of it— that Duppel, the important position which protects the Island of Alsen, is now flanked right and left by Danish vessels of war. If Austrian and Prussian ships of war should occupy the place now filled by Danish ships, such a movement will make the protection of Alsen impracticable. Besides, Duppel is united to Alsen by two bridges, and if these were under the fire of an hostile fleet it would be impossible to hold the fortifications. No doubt shortly after the arrival of this fleet the fort and the Island of Alsen will fall; so also must Fredericia; and, practically, this will be the fall of Funen, the second important island. In point of fact, to allow the Austrians and Prussians to have the maritime as well as the military superiority is to sacrifice the independence—nay, the very existence—of the Danish monarchy. I therefore ask the noble Earl—though he is unwilling to say what he will do—whether he will stand by and see that atrocity perpetrated on a weak Power. It is only because she is weak that such a proceeding is attempted. This is a war against Denmark in the spirit of the Partition of Poland, in the spirit of the League of Cambrai. This is a union of great Powers to dismember and destroy a small one. And, my Lords, what is done to-day with respect to Denmark will be done to-morrow with respect to Holland—will you permit that also?—and the next day with respect to Belgium. I ask the noble Earl will it be permitted? Is there no point at which it is considered the honour and the interest of England to protect the weak against the strong? My Lords, I am informed that in the course of eight or ten days we are no longer to be sitting. We are to be adjourned for three weeks. During the whole of that time Government is to be deprived of the support of Parliament. They may require the support of Parliament at any moment. In war, time is of all things the most essential. The danger may arise when you will not have the power of meeting it. I confess I do not think it right that Parliament should separate without having assured the Crown that, having considered the correspondence laid before us by the command of the Queen, we will support Her Majesty in any measures which may become necessary for the maintenance of the independence of Denmark. Without that declaration the Government are powerless. Four weeks may elapse before they can lay any further despatches before us to enable us to pronounce an opinion on their conduct; and during the interval that may be done which never can be undone. We may witness the degradation and ruin of a brave people, who might have been saved by a strong and friendly hand, when weak and pusillanimous motives withheld it.

EARL GREY: My Lords, there is hardly a word that has fallen from the noble Earl in which I do not concur. I do think it a most objectionable thing that Parliament should separate for a considerable time without our knowing what is to take place in the interim. I make this remark because, never since I entered Parliament, have I read any correspondence with such deep-felt humiliation for this country as I have read the papers now on the table. I will not enter into the subject at present; but I do feel, with the noble Earl who has just sat down, that this affair of Denmark has advanced step by step without our having the opportunity of expressing our opinion or of doing anything to check the danger, and that we are taking a course which involves the surrender of a weak Power to the unprincipled violence of stronger Powers. This is a state of things full of danger and disgrace. I venture to express the feeling I entertain on the subject of a separation of Parliament under such circumstances; and I trust some opportunity will be given for a full consideration of this grave question even now before Parliament separates for the Easter recess.

THE EARL OF HARROWBY: I cannot but think it of the highest importance to Her Majesty's Government to have some expression of the opinion of Parliament on this question. It appears to me that, after the unsuccessful interference of last year, and after the passive attitude we have since assumed, Her Majesty's Government cannot go properly into negotiations at the present moment without being supported by an expression of the feeling of the people of England. It is most important to them that they should have ascertained that feeling before conferring with other Powers, in order that they may be able to say to those Powers, "This is a point beyond which the feelings of the people of England cannot be trifled with." I have no wish to express a doubt even of the virtue of Austria. I cannot but hope that her intentions are better than her actions; but I think it would be a great support to the failing virtue of Austria if she were able to point to an English fleet in the Baltic.

EARL RUSSELL: I will say but one word on this subject. I am sure there is no noble Lord who would imagine that, having received this information in the course of to-day, I could come down to this House, and on my own responsibility make a declaration that would bind this country, or would be likely to lead this country into war. Anything to be done must be maturely considered. What Her Majesty's Government have done is to negotiate, but also to maintain themselves at liberty to act, with other Powers, or if it should be thought necessary, to act alone, in case the honour and paramount interests of England should require it. My noble Friend who sits near me on the cross benches (Earl Grey) said he had read these papers with "humiliation." I believe these papers agree, in spirit, with the general opinion of the country. If my noble Friend thinks that the Government ought to have acted in a different manner, he can at once move a vote of censure. If he thinks that we should act differently, and, without negotiation, and, without examining what those Powers propose, resort to extremities, he has only to move a Resolution to that effect. All I can say is, that the Government will best consult, according to their own opinion, the honour and the interests of this country; they will not make war when the safety and the interests, the integrity and the independence, of Denmark can be secured otherwise; and they will not neglect any means by which that safety and independence can be secured. With regard to the fleet, some ten days or a fortnight ago, with a view to have that fleet at command, it was directed to rendezvous at one of the home ports, so that orders might be at once conveyed to it. If it were thought necessary to give any orders to that fleet, it would be at once within our reach; and, certainly, I could not expect that any fleet of Austria or of Prussia would venture to encounter the squadron of Her Majesty.

House adjourned at half past Six o'clock,
to Thursday next, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Tuesday, March 8, 1864.

MINUTES.]—SELECT COMMITTEE—On Turnpike Trusts, *appointed* (*List of the Committee*); Schools of Art, *appointed* (*List of the Committee*); Taxation (Ireland), *nominated* (*List of the Committee, see* page 1217).

PUBLIC BILLS—*Committee*— Court of Justiciary (Scotland) [Bill 31]—R.P.

Considered as amended—Land Drainage (Provisional Orders* [Bill 25].

Third Reading — Inclosure* [Bill 26]; Bills of Exchange and Promissory Notes (Ireland)* [Bill 38].

LONDON, BRIGHTON, AND SOUTH COAST RAILWAY (ADDITIONAL POWERS) BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. TITE said, that this Bill proposed, among other objects, to run a short line through the Dulwich College estate. Bills for the formation of lines practically similar to this, had been before Committees in 1862 and 1863, and on both occasions the powers required had been refused on the opposition of the College. Last year the Company had succeeded in passing their Mitcham and Tooting line, after the Committee had negatived the preamble of the Bill, only through the assent of the College, that part of the scheme to which the College objected having been withdrawn. But this project was, for all practical purposes, the same as that then withdrawn; and, therefore, the application of the Company, an unfitting one, having been twice before rejected, now amounted to a breach of faith with the College. Five or six years ago new Governors were appointed to administer the affairs of Dulwich College. They had now 400 or 500 boys at school there, and were about to rebuild the schoolhouse. It was very hard that the Governors should be put to the expense of opposing a third Bill promoted by the London and Brighton Company, and he therefore trusted that the House would protect the College by rejecting the Bill at its present stage. He would move that the Bill be read a second time to-day six months.

CAPTAIN JERVIS seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Tite.*)

MR. DODSON said, that the Bill was not the same as those which had been promoted by the Company before. The London and Brighton Company's regular and authorized lines were debarred from access to their London Bridge Station; and the present line was intended to complete the connection between that terminus and Deptford Wharf, and thus to afford additional accommodation, not only to a large and most important suburban district, but to the inhabitants of more distant places on the Brighton lines. The only opposition to it was that from Dulwich College, the trustees of which alleged that it would pass through their estate, and had, on that account, been twice before rejected. But the line was entirely different from that which had been before rejected, would pass through an entirely different part of their estate, and had been so altered as to do as little damage as possible to their property. He trusted the objection of the College trustees would not be allowed to prevail.

MR. ARTHUR MILLS, as Chairman of the Committee which threw out the Bill of last year, said, it was then understood that the College was not to be persecuted any more by such schemes. He did not say there was any foundation for a charge of bad faith; but if the Bill were substantially the same as that of last Session, he would advise the House to reject it.

MR. SEYMOUR FITZGERALD said, that this was not the same line as that of last year, and that unless it passed, a new and valuable line of railway, belonging to the London and Brighton Company, would have no communication with the City and the Thames.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed.*

RAILWAY SCHEMES (METROPOLIS).

RESOLUTION.

MR. MILNER GIBSON rose to call attention to the Report of the Select Committee on Railway Schemes within the limits of the metropolis, and to move that, according to the recommendation of the Committee, certain Bills be not proceeded with in the present Session. He would state to the House the result of the labours of the Joint Committee of the two Houses of Parliament, appointed to consider the railway schemes affecting the metropolis. The Joint Committee had received evidence which they thought material to the objects they had to consider, and sufficient to enable them to discharge the duty confided to them. At the outset of their inquiry they eliminated from their list of railway schemes such as appeared to them might be proceeded with in the ordinary course on their own merits.

Those schemes were generally merely improvements of railways already authorized, and had for their object such matters as the making of junctions, giving greater station accommodation, rendering curves less dangerous and inclines easier. These Bills, about ten in number, were at once set free, and were now proceeding in the ordinary course. The Committee had then to consider what lines ought not to be proceeded with, and they selected eight, which, not being of an urgent character, might very well be postponed to a future Session. It must be remembered that the Committee did not absolutely condemn any of these schemes—did not pronounce any opinion on the merits, inasmuch as they could only hear one side and receive *primâ facie* evidence—the object for which they were appointed was to see whether, taking into account the enormous number of schemes affecting the metropolis, it would not be prudent to postpone some of them for future consideration. Among the schemes which were to be dealt with was the "Victoria Station and Thames Embankment Railway," which was proposed to be constructed on the pneumatic system. The objection to this scheme was twofold—first, that the pneumatic principle was untried for the conveyance of passengers; and secondly, that the lines between which it was to form a link were worked upon the ordinary system of locomotives. For these reasons it appeared to the Committee that this Bill ought not to be proceeded with this Session. The Oxford Street and City Railway was also proposed to be made on the pneumatic principle, and was postponed on the ground, that the principle had not been tried, and that a great metropolitan thoroughfare like Oxford Street was not the place in which the experiment should be first tried. It was thought also that the "London Main Trunk Underground Railway" might be postponed. That scheme proposed, among other things, to make a new station for the Great Eastern. But the Great Eastern proposed, by a Bill of its own, to make such a station west from its present position, according to the recommendation of the Lords' Committee of last year. The Bill to which he was referring, however, proposed to tap the Great Eastern two or three miles down the main line, and to bring its traffic direct into the metropolis. The Committee thought that the Great Eastern should be allowed to make its own proposition to Parliament. The "Charing Cross (Northern)" was recommended to be postponed on account of the great works now in progress throughout London to connect the London, Chatham and Dover with Farringdon Street, and so with the Great Northern and Midland; and the "Charing Cross (Western)," because in their view it proposed to throw an unnecessary bridge across the Thames, and was, in fact, in conflict with a great principle which the Committee of last year, and the Committee of the present year, thought it desirable to keep in view—namely, that of distributing the local traffic of the metropolis by an inner circle of railways. As for the "London Union Railways," if any one would look at the map he would see that that scheme, if any, would bear postponement. It did not propose to accomplish any one object which the promoters of metropolitan railways thought important. The "Tottenham and Farringdon Street Railway" was also proposed to be postponed, on the ground that time should be given to see by experience what would be the effect of the increased traffic now brought to Farringdon Street before any further progress was made in establishing there a great central station.

When the Joint Committee was proposed it was thought to be a very exceptional proceeding, and he, himself, though he proposed it, was under the impression that such a course ought to be adopted only under extraordinary circumstances; for the principle that a Committee of this kind should stand as it were between the public and Parliament, between the subject and his right of being heard by Parliament, was a matter which deserved grave consideration before it was adopted. The Committee did not pronounce any opinion as to the merits of the several schemes—they simply considered what schemes might fairly be postponed for further consideration:—but in justice to the parties who might thus be prevented from proceeding during the present Session, it was proposed that the fees incurred on account of the Bills thus recommended to be postponed should be remitted. His hon. Friend the Member for the City (Mr. Crawford) was of opinion that the Joint Committee had not gone far enough, and would have had them put an end as it were to all metropolitan railway legislation during the present Session. [Mr. Crawford: No, no!] At all events, that was the effect of the petition which had been placed in his hands by a deputation from a public meeting in the City, over which his hon. Friend presided, and which recommended that no new railway should be considered in the City of London during the present Session with the exception of the East London scheme, which was to connect the north with the south by way of the Thames Tunnel. But he must remind his hon. Friend that, if the course recommended by the Joint Committee was strong and exceptional, the course which his hon. Friend proposed of postponing the rest of the schemes was still stronger and more exceptional; because his hon. Friend would prevent the promoters from going on with their Bills, without having any evidence submitted to show that there was a case for postponement. The Joint Committee had an opportunity of hearing some of the most competent men in London upon the subject of metropolitan railway communication, and had before it the Reports of the Board of Trade and of Mr. Bazalgette, engineer of the Metropolitan Board of Works, and the evidence of the engineer of the Commissioners of Sewers. Mr. Haywood, the engineer of the City, though he said that the construction of some of the proposed railways would interfere with the sewers, and seriously disturb the traffic during the time of their construction, added that, on the whole, one or two of them would be of very great benefit to the City. And when the noble Lord the Member for King's Lynn (Lord Stanley) asked, whether he would look upon the present overcrowding of the City, which could not be relieved to any considerable degree by the opening of new streets, as an evil as great as the temporary interruption caused by the making of the lines, Mr. Haywood said that, considering the population of London doubled in thirty-seven years, and that the demand for means of transit increased in a still greater degree, he could not see how the increasing demands of traffic could be satisfied without railways. New streets would cost a million a mile in the metropolis, and where were the funds to come from? This gentleman then went on to say, in reference to the necessity of giving greater facility of communication to the mass of people, whose business led them into the City of London every day, that the population within a certain radius round the commercial centre of London—that was, the City—was as dense as it could possibly be, that the increase of population was filling up the space beyond the radius, and the distance between the homes of people and the City would become so great, that railways would be the only means to enable them to go to and from their residences. The Committee had evidence to show that cheap and frequent communication would be required by the labouring population from their homes to the places of their business, and therefore the Committee did not feel at liberty to say that no railway whatever, interfering with the City of London, should be proceeded with during the present Session. They thought that the inner circle system of railways for the metropolis presented great advantages; and, therefore, seeing that a portion of that inner circle system must pass through the City of London, they did not feel themselves at liberty to break that link, which they thought so necessary for the circulation of traffic in the metropolis, merely because a portion of the inner circle passed through the City of London. His hon. Friend the Member for the City of London proposed that, before anything was done in London, and before any new works were undertaken, some Commission of Inquiry, composed of distinguished men, should be appointed. The petition suggested, he believed, that the engineers of the Board of Trade, the engineer of the Board of Works, and the engineer of the Commissioners of Sewers for the City of London, should be appointed to consider what railway schemes would be most advantageous for the City of London, and that until they had considered the wants of the City and the best mode of providing for them, no private projectors should be allowed to proceed in that House with any railway Bill relating to London. He was at issue with his hon. Friend on that proposal. The House might appoint a Commission to consider the best mode of constructing some great public works which the State was about to execute and provide funds for; but, he contended, that to appoint a Commission to indicate the best railways that could be constructed in the City of London would be doing very little, unless they could also tell what parties were likely to come forward to give effect to the recommendations of the Commission. The Commissioners might recommend, but the projectors of schemes—who regarded their own profits—would not be bound by the recommendation of the Commissioners. He believed that the far better course was to leave to private enterprize and to private projectors, as had always been done in this country, the suggestion of such schemes as those projectors thought best calculated to promote their own interest and the public advantage at the same time. It would still be the duty of the House, before granting powers to carry out the schemes of any of these private projectors, to examine fully into the matter in order to guard against powers being granted which would interfere with private rights in a way not demanded by the exigencies of the public interest. He believed that the rule always acted on in this country, to leave these undertakings to be carried into execution by private enterprize, was the best and safest rule; and, therefore, he must rather demur to the proposition of his hon. Friend the Member for the City of London, that the House should defer all proceedings in reference to railways in London until some Commission had indicated what were the best lines and made a Report to Parliament. He hoped that he might safely appeal to the House of Commons to support the Resolutions to which the Joint Committee of both Houses had come. It might be said that the Committee did not sit for a very long period of time. But they sat long enough, at any rate, for the object in view. They sat from day to day, and there was no loss of time by hearing long speeches from counsel, by putting irrelevant questions to witnesses, or by the examination of witnesses who had but little information to give. The time devoted to the consideration of the subject was well and fully employed, and he believed that the Joint Committee, unanimous as they were on every point but one, which was whether a particular line should be postponed, came to a wise and well considered decision, which, he trusted, would be supported by the House. It was impossible for any Member addressing the House to explain the details of particular railway schemes. A great deal of matter of this kind must be taken on authority; and he contended that a Committee of both Houses was an authority whose advice might be safely taken. He therefore appealed to hon. Members to give him that support which would enable him to pass the Resolutions of which he had given notice.

Motion made, and Question proposed,

"That the following Bills be not proceeded with in the present Session—namely, Victoria Station and Thames Embankment Railway, Oxford Street and City Railway, London Main Trunk Underground Railway, Charing Cross (Northern) Railway, Charing Cross (Western) Railway, Tottenham and Hampstead Junction Railway (Extension to Charing Cross), London Union Railways, Tottenham and Farringdon Street Railway."—(*Mr. Milner Gibson.*)

Mr. AYRTON, referring to the London Main Trunk Underground Railway Bill, said, he wished the decision of the Joint Committee to be reversed with respect to that Bill. It had long been a question of grave consideration how they could remove the working people from the crowded places where they were compelled to live and frequently were compelled to labour, and also to relieve the more densely populated parts of the metropolis. By the extension proposed by this line, the Metropolitan Railway would be extended through the dense parts of the eastern side of the City of London, and still further eastwards, in order to connect that line with the system of railways now existing in the east of London and brought to a focus at Bow Common. The object of this line was to enable people to go from the centre of the metropolis to that part where they could be most conveniently and economically located. He found, on looking at the Reports of the Committee of the House of Lords, of the Metropolitan Board of Works, and of other bodies who had investigated the subject, that, so far from this scheme conflicting with any Report which had been made, it was entirely in accordance with all the requirements imposed on directors of railways. The Committee of the House of Lords expressly recommended that railways in London should be carried out by tunnels under ground; and that it was desirable to connect the east and west ends by railways, as well as the north and south of London. All this was accomplished by the scheme he now referred to; and the Report of the Metropolitan Board of Works, and the engineer of the Board of Trade, made no objection to it. But the Joint Committee, without hearing evidence, as they had been told, came to the conclusion that this railway should not be proceeded with, and they recommended that another railway, having a somewhat similar object, should be sent to a Select Committee. Now, since the Joint Committee made their Report the other scheme had been withdrawn, and the result would be, if this were postponed, that the only scheme for the part of London he had mentioned could not be inquired into, and many important interests would consequently be neglected. The scheme which the Committee said ought to be rejected was the very scheme which accomplished the most important recommendation of the Lords' Committee; and unless it was allowed to proceed, the working classes would have no chance of that main line from east to west, which would be such an advantage to them. The fact was, the Joint Committee had condemned the very line which was necessary as a link in order to carry out their recommendation in favour of an outer circle railway. This line would secure to the working classes ready access from the centre of the metropolis where they were employed to a district where they could procure comparatively cheap and healthy house accommodation. He therefore moved that Nos. 1 and 2 schemes of the Main Trunk Underground Railway should be exempted from the Motion for rejection.

Amendment proposed, after the words "London Main Trunk Underground Railway," to insert the words "except Schemes Nos. 1 and 2."—(*Mr. Ayrton.*)

Question, "That those words be there inserted," put, and *negatived.*

SIR JOSEPH PAXTON then moved an Amendment, that the Charing Cross (Western) Railway be omitted from the list of Bills which it was proposed should not be proceeded with during the present Session. The Joint Committee appeared to have had two favourite schemes, both of which went up the Thames Embankment. Now, he was of opinion that that was not the proper direction which they ought to take, and that it would have been much better to adopt the scheme which the right hon. Gentleman proposed to reject. It was clear that if the railways were to be made under the Thames Embankment, either the works of the latter must be suspended during the construction of the railway, or they must all be carried on at the same time and under the same direction. Another objection was, that the schemes accepted did not carry out the principle recommended by the Lords' Committee of last year for the northern side of London. The House of Lords' Committee recommended a circular railway, and indicated where it might go—that it should not join but go near the large railways, so that passengers could readily go from one station to the other. On this side of the river that principle would not be carried out. They passed from the Victoria Station to Cannon Street, passing by the Houses of Parliament and destroying all the sewers in that part of London. Now, if they had taken the Charing Cross Extension, which had already cost £3,000,000, they might have crossed the Thames at the far end of the Houses of Parliament, and have gone direct to the South Western Railway, connecting Belgravia and all the western districts with the South Western Railway, and then they would have been able to communicate with the Brighton Station and the South Eastern Station in Cannon Street. The scheme of taking the railway up the Thames Embankment was so bad, that there would be only fifteen feet below it for the purpose of railway, and the result would be that the tunnel would not be more than twelve feet in diameter—that was to say, in depth. That was not a proper depth for a tunnel; and it would be one of the greatest nuisances conceivable if the railway was to be carried the whole way from Kensington to the City entirely underground.

Amendment proposed, to leave out the words "Charing Cross (Western) Railway."—(*Sir Joseph Paxton.*)

LORD STANLEY said, he felt some delicacy, having been a member of the Joint Committee, in asking the House to accept their conclusions without further discussion; but he thought, considering the nature of the questions which had been considered, the House had no other option unless it was prepared to refer the whole matter over again to some other tribunal. These were mainly questions of detail; they were very complicated, and he defied any man, whatever his ability or experience, to make them intelligible to an assembly like the House of Commons without the aid of maps and plans. He wished to remind the hon. Member for Coventry (Sir Joseph Paxton), that the Joint Committee had not taken upon themselves either absolutely to sanction or absolutely to condemn any of these competing schemes. It would have been impossible for them to do so without taking evidence and hearing counsel *pro* and *con;* and if they had done that, their sittings would have lasted the whole Session, in which case the practical result would have been the postponement of all the Bills till next year. They had simply struck out certain projects, not because they were bad in themselves, but because they did not appear to them to press urgently for consideration; and it was a matter of importance that the traffic of London should not be interrupted by the construction of a vast number of lines simultaneously. There were others for which they thought the *primâ facie* case was stronger, and these they had proposed should be sent before ordinary Private Bill Committees; but they had in no sense given them their sanction. If the House accepted their decision, those Bills would be inquired into in the usual manner; the objections of opponents, if any, would have their due weight, and, if the Bills were thrown out next year, the other competitors for supplying London with railways would have an opportunity of having their schemes examined. He had not heard from the hon. Member for Coventry a single consideration which had not been discussed by the Joint Committee; and, upon the whole, he would advise the House not to attempt the impossible task of discussing these schemes in detail, but to accept the decision of a tribunal appointed by both branches of the Legislature.

Sir JOHN SHELLEY said, he had opposed the appointment of the Joint Committee, but as they had appointed it, he thought the only course the House could pursue was to take their Report for what it was worth. He blamed the Committee not for what they had done, but for what they had left undone. Many of the schemes which they had recommended should be sent upstairs, might very fairly have been rejected. The wisest course would have been to stop all railway legislation for the metropolis this year, for then the whole question could have been discussed in a thoroughly satisfactory manner. One of the schemes which were to be allowed to proceed was recommended by the Joint Committee, not on account of its merits as a railway, but because its projectors proposed to make a new street through St. Giles's. It might be desirable that the new street should be made; but did any man in his senses believe that the railway company could afford to make it out of their share capital? If a Commission had been appointed, the subject of a new street through St. Giles's would have been considered in a more satisfactory manner than it could possibly be by a Private Bill Committee upstairs. He hoped, however, that the Private Committee would bear in mind the statement just made by the noble Lord opposite (Lord Stanley), that it was not to be taken for granted that every Bill sent upstairs had received the approval of the Joint Committee. The Joint Committee had simply knocked certain schemes on the head, and, indeed, he inferred from the tone of the noble Lord, that hopes were entertained that many of the projects sent upstairs would be rejected also.

Question "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Mr. CRAWFORD moved, after "Tottenham and Farringdon Street Railway," to add, "and so much of the Metropolitan District Railways Bill, No. 33, as refers to the proposed works situated to the eastward of Blackfriars Bridge, together with the Metropolitan District Railways Bill, No. 34." He did not rise for the purpose of complaining of the decisions of the Committee, and his proposition would not increase the number of Bills to be sent upstairs, but would make an addition to the list of schemes postponed. What he and the citizens of London generally objected to was, that the subjects had been referred to the Committee in so limited a manner as to preclude the Committee from considering very important matters in connection with the trade and commerce of the City of London. What he sought was to include among the rejected schemes so much of the Metropolitan District Railways Bill as referred to the district between Blackfriars Bridge and the Tower. The line was to pass along the new street to the point of junction with Cannon Street, then to proceed eastward by the station of the South Eastern Company, past the statue of King William, and thence through Eastcheap and Tower Street till it reached the neighbourhood of the Tower. It was not possible for the ingenuity of any railway engineer to have laid out a line which would interfere more than this would in the course of construction with the trade and commerce of the City. Hon. Members had noticed the obstructions in Piccadilly caused by the works connected with the main drainage, and some of them would have seen the interference with the traffic in the New Road while works of the Metropolitan Railway were going on. Now it was proposed to introduce a similar inconvenience into the City of London, to the entire obstruction of trade along the whole line which the railway proposed to take. One reason why the Thames Embankment scheme found favour with the House was, that it would do away with the construction of the low level sewer along the Strand; and if the Strand was entitled to so much consideration, surely something might be said on behalf of the vast interests centered in the City of London along the line of this railway from Blackfriars Bridge to the Tower. The line was to be underground, it was true, but they knew the damage that was done to a large amount of property in the New Road and elsewhere by the construction of the Metropolitan Underground Railway. Could any one conceive it possible that a line could be constructed through the part of London he had mentioned without doing serious injury to the foundations of the enormous warehouses and buildings near which it would pass? But that was not the only ground upon which he asked the House to accede to his Motion. They would have shortly abutting upon the City no less than nine first class railway stations, some of them terminal, connecting the City with all parts of the country; and he thought experience would suggest that the better course would be to wait and see the effect produced upon the internal communication of London by those central stations, instead of committing themselves to the principle, that a great line of railway should be constructed through the heart of the City. He had read the evidence of the Committee of the House of Lords upon this subject, but not having seen the evidence taken before the Joint Committee he was scarcely inclined to accept its decision upon trust. He should have been content if the consideration of the whole question had been referred to a single individual of the great ability and intelligence of the noble Lord the Member for King's Lynn (Lord Stanley), but it was too much to ask the representatives of great civic and commercial interests to assent at the will of five Gentlemen to schemes which would come upon their property and interfere seriously with their business. He had heard it stated that 800 houses had been purchased by one railway company in a part of the town where no large business was carried on, and that measure involved the turning out of house and home of many more than 800 families. He had already called attention to the hardship experienced by persons who came upon railways for compensation, and if any one desired to inquire into the extent of the loss and even ruin which small tradesmen and artisans suffered from the encroachments of railways, he referred them to the pages of the local newspapers, such as the *City Press*. The argument in favour of this railway was that it completed the inner circle; but if the Metropolitan District Railway were continued from the present terminus near the Great Western station, and brought round by Kensington and Brompton, near the Houses of Parliament and along the Thames embankment, it might be made to form a junction with the Chatham and Dover and Metropolitan Railways in Farringdon Street, thus completing the inner circle. Upon the ground of the great interference with the commerce of the City set forth in a petition from a public meeting held one day last week, he asked the House not to proceed further with the part of the scheme referred to in his Amendment.

Mr. TITE, in seconding the Amendment, said, that the question discussed at the meeting in the City was the real nature of the railway communication required by the commercial population, and it was stated distinctly that one line on the west, constructed by the great railways on the north in union, to take all the nothern traffic, and another on the east, the one described as the East London Railway, for the southern and continental trade, would give them all that they wanted. The question resolved itself into one of an inner circle for passenger traffic, and he was of opinion that, for public convenience, it would be better that this line should be stopped at Blackfriars Bridge, before it encroached upon the Thames embankment. The £1,000,000 expended to make the great street 100 feet wide to the Exchange, would be superseded by this railway being in exactly the same line with it. It was supposed, too, that all the passengers from Charing Cross to Cannon Street would be carried by the Charing Cross Railway, and facilities having been granted for the construction of that line, they should not interfere with it, at least until the subject had been well considered.

Amendment proposed,

At the end of the Question, to add the words "and so much of the Metropolitan District Railways Bill, No. 33, as refers to the proposed works situated to the eastward of Blackfriars Bridge, together with the Metropolitan District Railways Bill, No. 34."—(*Mr. Crawford.*)

Mr. MILNER GIBSON said, the main question which the Committee had to consider was, what lines should not be proceeded with. They took evidence specially on that point. When they came to the particular line to which his hon. Friend's Motion referred, they found they had not sufficient evidence to justify them in recommending that it should not be referred to a Select Committee of that House. If there was that strong case against the proposed scheme which his hon. Friend alleged to exist, the Committee, which would hear evidence on both sides, would not grant to the promoters the powers which were asked—namely, to interfere with lands or houses. That was his answer. His hon. Friend had given them no evidence except his own mere opinion. He had not adduced any authority why this line should not be heard; for, as the noble Lord the Member for King's Lynn (Lord Stanley) very well put it, the Committee did not, as his hon. Friend the Member for the City stated, recommend or sanction this scheme; all they said was they had not sufficient evidence to justify them in refusing it a hearing. He was quite convinced that a Parliamentary Committee would weigh carefully all the considerations put forward by his hon. Friend, and he did not believe they would grant the powers asked unless the public convenience was so great as to countervail any private injury or inconvenience that individuals might be called upon to submit to. He would only state, that the public meeting of which his hon. Friend was Chairman, distinctly stated in their petition that they did not pretend to be acquainted with the exact details of all the metropolitan railway schemes now seeking the sanction of Parliament for their construction, and which contemplated taking houses and lands in the City; but, in common with nearly every person engaged in business, they thought before legislative sanction was accorded to their promoters, the most careful consideration should be given to the whole question. He entirely agreed with the language of that petition. The most careful consideration should be given to the question. They had commenced that careful consideration, and in reference to the lines to be proceeded with it would be continued before the Select Committee of the House. He, therefore, called on the House to support the finding of the Committee.

Mr. ROBERTSON said, he believed that the alarm which had been excited in reference to these schemes was greatly exaggerated. He had given particular attention to this matter, and he was enabled to state that the whole property to be taken by the Metropolitan District Railway amounted to under fifteen acres, of which seven acres were along the Thames Embankment and the new street. There were eight acres of private property, of which six would be covered over and sold off, leaving only two acres to be permanently occupied by the line. There was, therefore, no cause for the alarm that was now said to exist.

Question put, "That those words be there added."

The House *divided*:—Ayes 76; Noes 277: Majority 201.

Main Question put, and *agreed to.*

Ordered,

That the following Bills be not proceeded with in the present Session—namely, Victoria Station and Thames Embankment Railway, Oxford Street and City Railway, London Main Trunk Underground Railway, Charing Cross (Northern) Railway, Charing Cross (Western) Railway, Tottenham and Hampstead Junction Railway (Extension to Charing Cross), London Union Railways, Tottenham and Farringdon Street Railway.

Ordered,

That the Fees which have been incurred in respect of the said Bills be remitted.

Ordered,

That the Report of the Joint Committee of Lords and Commons on Railway Schemes (Metropolis) be referred to all Select Committees to whom any Railway Bills within the limits of the Metropolis may be referred.—(*Mr. Milner Gibson.*)

THE MUTINY ACT.—QUESTION.

Colonel NORTH said, he rose to ask the Judge Advocate General, If it is his intention to make any alterations in the 162nd and other Clauses of the Mutiny Act; and, if so, if he will state the nature of such alterations?

Mr. HEADLAM, in reply, said, the Mutiny Bill would be committed that night, and he would only state that it was not his intention to propose any alteration in the clauses referred to.

Colonel NORTH: Then I give notice, when the Mutiny Bill is in Committee, that I shall move a clause to the effect, that it shall be unlawful for the Judge Advocate General, or the Deputy Judge Advocate, to take a part in proceedings of a court-martial, similar to the part taken by the Deputy Judge Advocate during the recent trial of Lieutenant Colonel Crawley.

ARMY — NEW BRIGADE OF HORSE ARTILLERY.—QUESTION.

Colonel NORTH said, he would now beg to ask the Under Secretary of State for War, If the whole of the increased expense caused by the new Brigade of Horse Artillery is to be borne by the Home Government, or to be shared with the Indian Government; and whether it is intended that this augmentation shall absorb one of the Supernumerary Colonels Commandant of the late Indian Artillery?

The Marquess of HARTINGTON said, in reply, that while the new Brigade of Horse Artillery was in this country the whole expense would fall on the Imperial revenue. But he wished to explain that what had taken place on this subject was not so much the formation of a new brigade as the division of the old brigade, consisting of ten batteries, into two brigades of five batteries each. This alteration was rendered necessary in order to supply the relief of four brigades of Horse Artillery in India. The additional expense which was incurred by the appointment of commissioned officers and non-commissioned officers had been met by other reductions in the regiments of Artillery. The extra expense would, therefore, be very trifling indeed. In reply to the hon. and gallant Member's second question, he had to inform him that there were two supernumerary colonels and two supernumerary lieutenant colonels absorbed by the new arrangements on our own, and not on the Indian list.

MHOW COURT MARTIAL — CASE OF PAYMASTER SMALES.—QUESTION.

Sir JAMES FERGUSSON said, he wished to ask the Judge Advocate General, What was the date at which the Queen was recommended to confirm the sentence of the Mhow Court Martial by which Paymaster Smales was cashiered; and whether Her Majesty was advised to confirm that sentence after consideration of the proceedings of the Court Martial; what was the date at which Her Majesty was advised to pardon Mr. Smales; was the sentence of the Court Martial confirmed, or had it been overruled at the date at which the proceedings were laid upon the table of the House; what are the grounds on which the Queen was advised to pardon Mr. Smales, after Her Majesty had been advised to confirm the sentence by which he had been cashiered; and were those grounds apparent on the face of the proceedings?

Mr. HEADLAM, in reply, said, as to the first part of the question, he had to state that Her Majesty never did confirm the sentence of the Mhow Court Martial, and was never recommended to do so. It was confirmed by Sir Hugh Rose, under the authority he had for that purpose. With respect to the next question, the date at which Her Majesty was advised to pardon Mr. Smales was the 13th of July last. With regard to the third question, he found in the blue-book that the proceedings were laid upon the table of the House on the 3rd of July, consequently long after the finding of the court-martial had been confirmed in India, but before the pardon was granted on the 13th. As to the last question, the grounds upon which Her Majesty was advised to pardon Mr. Smales were that the trial was not a fair one. The unfairness consisted partly in the manner in which the witnesses for Mr. Smales were arrested and kept in close custody during the trial, and partly also in the manner in which their testimony was discredited. It was also considered that the charges were irregular, and consequently rendered it uncertain what was the precise crime of which the prisoner was found guilty; so that had the trial taken place in this country it would not have been confirmed without revision.

Sir JAMES FERGUSSON said, he wished to know, Whether the proceedings of the Mhow Court Martial were approved of by the right hon. Gentleman?

Mr. HEADLAM: No; I have given to the House a summary of my opinions upon the proceedings.

Sir JAMES FERGUSSON said, he would now beg to ask the Under Secretary of State for War, Whether he will lay upon the table the Letter from the War Office in which the restoration of Mr. Smales to the half-pay of his former rank was authorized or announced; whether the accounts of Mr. Smales with the 6th Dragoons have yet been adjusted; and what previous employments in the Public Service had been held by Mr. Smales; whether he had been removed from any of them, and, if so, for what reasons?

THE MARQUESS OF HARTINGTON replied, that the circumstances connected with the restoration of Mr. Smales to the half-pay of his former rank were the following: — After Her Majesty had been pleased, as had been just explained by his hon. and learned Friend, to pardon Mr. Smales, it became the duty of Earl de Grey to consider what effect that pardon should have. It was his duty to take care that Mr. Smales should not receive any advantages which did not necessarily follow from the pardon, and equally his duty to see that he should receive the full benefit which that pardon entitled him to receive. Some correspondence took place between the War Department and Mr. Smales, on the one hand, and the Judge Advocate General on the other. The result was, that the Law Officers of the Crown gave it as their opinion that, although the pardon did not have the effect of reinstating Mr. Smales in his appointment of Paymaster of the 6th Dragoons, it gave him a claim to be restored to the service and placed upon half-pay. Earl de Grey, therefore, acting upon that recommendation, restored Mr. Smales to the army on the half-pay of his former rank. After that explanation, he did not know whether his hon. and gallant Friend would wish to have the letter from the War Office in which the restoration of Mr. Smales was announced; but if he wished for it he could have it by moving for its production. As to the second question, the accounts of Mr. Smales with the 6th Dragoons had not yet been adjusted, and the adjustment of those accounts formed a subject which was being discussed between Mr. Smales and the Indian Government. But he should mention that the settlement of Mr. Smales's accounts with the 6th Dragoons had had nothing whatever to do with his restoration to the service or his being placed upon half-pay. Mr. Smales was placed upon half-pay because that was decided to be the proper course, and it was not conditional in any respect upon the adjustment of his accounts. With respect to the last questions, what previous public employments had been held by Mr. Smales, whether he had been removed from them, and for what reasons, the statement of Mr. Smales's employment was as follows: —In 1830 he was appointed Acting Ordnance Clerk at Sierra Leone; in consequence of a court-martial upon which Mr. Smales was a witness he was removed by order of the Governor for having in his opinion given false evidence on that court-martial. Mr. Smales returned home and appealed to the Board of Ordnance against his removal, but was informed that the appointment which he had held at Sierra Leone had already terminated, and therefore there was no longer any necessity for investigating the case. However, he was almost immediately after appointed by Lord Hill an Ensign in the Royal African Corps, by which it might be supposed that no stigma rested on his character. He served in that Corps as Lieutenant and Captain until 1842. In 1844 he was appointed paymaster of the 1st Dragoon Guards, and exchanged to the 7th Dragoon Guards in 1845. He was Captain on half-pay in 1848, and in that year sold his commission. In June, 1854, he was appointed Paymaster of the Wilts Regiment of Militia, and on the 3rd of March, 1855, he was made chief Paymaster of the Turkish Contingent by Lord Panmure. His services were dispensed with at the close of the Crimean war, but in September, 1858, he was appointed Paymaster of the 9th Dragoons by the right hon. Gentleman the Member for Huntingdon (General Peel), and in 1859 he exchanged to the Paymastership of the 6th Dragoon Guards, the Inniskillings. The only employment from which he was ever removed previous to the Mhow Court Martial was that of Acting Ordnance Clerk; but the circumstances had not been inquired into, and ought not to be considered as sufficient to exclude him from the public service.

GOVERNMENT TELEGRAMS.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether a Despatch from Earl Russell to Lord Bloomfield, at Vienna, of 18th January, 1864, to which an Answer was returned by Lord Bloomfield, of the date of the 19th January, from Vienna, printed among the Danish Papers, was sent by telegraph from this Country; and whether the Secretary of State for Foreign Affairs would have any objection to direct that, in future, Despatches sent by telegraph should be distinguished from those sent by the ordinary means of communication, in order that the dates of Despatches may correspond with the facts of their transmission and answers, and be at once intelligible to Members of the House without further explanation?

Mr. LAYARD said, he must regret that he had been unable to explain himself clearly to the hon. Member the other evening. He would, however, again endeavour to do so. Those Despatches which were published were not sent by telegraph, but they were founded upon short telegrams sent in cipher. Each telegram was afterwards expanded into a full Despatch, in order that the House might have the whole matter before them. For the very obvious reasons that telegraphic messages must be very short, they could not be produced literally in their original cipher. Care was, however, taken, when acknowledging a Despatch, to state whether it was telegraphic or not. The hon. Gentleman would find from the answer, whether the original Despatch was sent by telegraph or not. If, for example, it was considered necessary to send a Despatch from London to St. Petersburg, with the view of receiving an answer on the same day or the day afterwards, it was evident that it must be sent by telegraph.

Mr. DARBY GRIFFITH said, he must complain that the hon. Gentleman had not answered his question. He had given him notice of his question, which he wished to be answered by his chief, and he presumed that the hon. Gentleman would have come there to answer it on behalf of his chief.

Mr. LAYARD said, he really did not know what answer he could give to the hon. Gentleman. It seemed to be quite impossible for him (Mr. Layard) to make the hon. Gentleman understand. In the very Despatch to which the hon. Gentleman alluded, the answer stated that it was a telegraphic Despatch. It would be an insult to the sense of the House to explain that a Despatch sent to St. Petersburg, which was replied to on the same day or the day afterwards, must have been sent by telegraph.

Mr. DARBY GRIFFITH: I ask the Under Secretary of State, whether he is prepared to answer this question on the part of the Secretary of State or only on the part of himself? ["Order!"]

DENMARK AND GERMANY — ANSWER OF PRINCE GORTSCHAKOFF.

QUESTION.

Mr. HUNT said, he would beg to ask the First Lord of the Treasury, For an explanation of a passage which occurs in a Despatch from Lord Napier to Earl Russell, dated January 6, 1864 (No. 644 of the Papers on the Affairs of Denmark, &c.), in which the following language is attributed to Prince Gortschakoff:—

> "The four Governments, that is, England, Russia, Prussia, and Austria, happily now thinking and acting in harmony on a question still more important than that of Holstein and Schleswig, ought not in this matter to be split into two camps opposing each other."

Viscount PALMERSTON: I rather conclude that the question to which Prince Gortschakoff alluded must have been the decision of these Governments with regard to the invitation to attend a general European Congress. There was no other question to which he could have referred, or upon which any concord was established. If the hon. Gentleman means to inquire, as I suppose he does, whether there was any combination of these four Powers against France, I assure him there is no ground whatever for any such supposition.

FEES TO PARLIAMENTARY COUNSEL.

QUESTION.

Colonel WILSON PATTEN said, he had received a communication from Mr. Hope Scott, in reference to the statement made a few evenings since by the right hon. Gentleman the President of the Board of Trade, that in future any Counsel appearing before Private Bill Committees might do so for a sum not less than fifteen guineas, correcting that statement, and informing him that for the future the sum required to be paid to Parliamentary Counsel need not exceed ten guineas. He, therefore, desired to ask the right hon. Gentleman, Whether he has received any communication to a similar effect?

Mr. MILNER GIBSON: Sir, I have received no such communication. On the former evening I read a document which was put into my hands by an influential Member of the Parliamentary Bar, and which, I believe, contained the understanding arrived at by that body. The evidence we received upon the subject, before the Committee of last year, was —That no Parliamentary Counsel was permitted by professional etiquette to take less for the first day than five guineas for a retainer, ten guineas on his brief, ten guineas for his attendance, and five guineas for a consultation. That was what we were informed by the evidence of those who paid the fees, and those who received them. We were also told that the practice was, that, on days after the first, no less than ten guineas for each day should be received as a refresher, and five guineas for a consultation fee; and we certainly were led to understand that the consultation was a matter of course, and that whether it was thought necessary or not by the parties, the fee was generally paid. The document which I received stated that a considerable change had been made by the Parliamentary Bar in the practice, and that they had consented, by a general understanding amongst the leaders, that in future there might be a smaller refresher, or no refresher at all, according as the parties and the Counsel might agree. There was to be no minimum in the case. With regard to the consultation fee it was never to be paid, unless the parties considered the consultation necessary; and its amount was to be settled between the client and the barrister. I was also told that no change was to be made in the brief fee, and that no less than five guineas was to be taken for a retainer. I therefore stated that no Counsel could enter a Committee-room for less than fifteen guineas. My hon. Friend, however, informs us, on the authority of Mr. Hope Scott, that in future a sum of ten guineas may be taken—that is, five guineas for the retainer and five guineas for the brief fee; that anything over ten guineas would be a matter to be settled between the clients and the barrister. That, no doubt, is a considerable change, and a very considerable relief to suitors. But, although it is a considerable reduction, and a handsome concession on the part of the Bar, I should not be discharging my duty if I did not state that the feeling of suitors and of all those with whom I was in communication on the subject was, that the Parliamentary Bar should be regulated by the same rules as to fees as prevail in the ordinary Courts of Law and Equity.

COURT MARTIAL ON COLONEL CRAWLEY.—QUESTION.

Mr. D. FORTESCUE said, he wished to ask the Under Secretary of State for War, Whether, inasmuch as the Plans published with the Proceedings of the Court Martial on Colonel Crawley are liable to mislead the House, by representing the quarters in which Sergeant Major Lilley died as containing more than double their actual amount of accommodation, he would object to reconsider his former decision, and allow hon. Members an opportunity of inspecting the Models?

The Marquess of HARTINGTON: I cannot admit, Sir, that the plans which have been published with the proceedings of the court-martial at Aldershot are in any degree calculated to mislead the minds of hon. Members. I think that if they will look at the plans in connection with the evidence referring to them, it is impossible that any misconception can arise as to the quarters in which Sergeant Major Lilley died. The reasons stated by me for not removing the models from the custody of the Judge Advocate General remain as strong as they were when I first explained them; but, at the same time, I have to state that if any hon. Member is not satisfied with the plans produced, my right hon. and learned Friend is quite willing to afford him the opportunity of inspecting the models at his office. Having answered that Question, perhaps the House will allow me to appeal to it, and to ask whether hon. Members intend to re-open the trial of Colonel Crawley, and to enter into minute details which have been already decided at Aldershot. It was considered by the Government that, as the proceedings of the court-martial in India had been published, and as they were supposed to reflect considerable blame upon Colonel Crawley, it would be most unjust to that gallant officer if the proceedings at the court-martial held at Aldershot were not given as full and wide a circulation as those which were supposed to implicate him so much. The conduct of the Government in ordering the court-martial at Aldershot has been the subject of criticism, and the Government are perfectly prepared to afford the House all the materials that could be possibly desired to form a judgment upon the merits of their conduct. But the Government did not expect, and I think the House will hardly hold it to be right, that when a full and ample investigation has been gone into before the only tribunal to form and pronounce a decision upon the case, it is hardly fair, or honourable, or consistent with our notions of fair play, that the evidence should be again gone over in this House, and that the country should be invited to arrive at a different conclusion from that already formed.

Mr. D. FORTESCUE: I entreat the House not in any way to prejudge the question of the court-martial, or the Resolution which I intend to bring forward. I beg now to ask the Judge Advocate, whether he can explain the circumstances under which an important passage in Dr. Barnett's evidence (between questions 591 and 592), relative to an alleged curtain in Sergeant Major Lilley's second quarters, which appears in *The Times* report of the court-martial on the 26th of November, 1863, has been omitted in the official Report of the Proceedings?

Mr. HEADLAM: In consequence of the notice given by the hon. Gentleman, I have compared the report contained in *The Times* newspaper with the original record in my office, and I have to state that the original record is identical with the papers which have been laid before the House. But on comparing the original record with the report contained in *The Times*, I find that the passage in *The Times*' report is not in the original record. The passage referred to is as follows:—"To the Court—I have no recollection of ever seeing a curtain in Sergeant Major Lilley's second quarters." I cannot state how those words appeared in *The Times* and not in the official record.

DENMARK AND GERMANY.
THE CORRESPONDENCE—PAPERS.
QUESTION.

Mr. DISRAELI: Sir, I rise to put the Question, of which I gave notice yesterday, to Her Majesty's Government. It relates to the papers respecting the affairs of Denmark. The House is aware that the last, and, as we now understand, the final instalment of papers respecting the affairs of Denmark comes up only to the termination of the month of January. Since that period many important transactions and incidents have occurred in these matters. We have had an announcement, for instance, of an armistice; afterwards of a Conference; and finally, amongother matters of moment, the invasion of Jutland. The House will find in the papers before us no official record whatever of these events. The House does not know why the armistice and the Conference were proposed, what objects were contemplated in the propositions, and why those propositions failed. What I wish to know from Her Majesty's Government is, Whether it is their intention to submit further papers on the affairs of Denmark to the House; and, if so, how early they will be in the hands of Members?

Viscount PALMERSTON: Sir, the only matter which causes delay in presenting further papers is the negotiations or communications now going on with regard to a Conference. As soon as those communications are brought to a close one way for the other, which I should hope will be in a very short time, further papers will be laid before Parliament, bringing the Correspondence down to the period of the close of the negotiations now going on.

THE EASTER RECESS.
NOTICE.

Viscount PALMERSTON: It will, perhaps, be for the convenience of the House, that I should state that we propose to adjourn on Friday, the 18th instant, until the following Monday fortnight, for the Easter recess.

GOVERNMENT ANNUITIES BILL—(MR H. B. SHERIDAN) — BRITISH PROVIDENT SOCIETY.
PERSONAL EXPLANATION.

Mr. H. B. SHERIDAN: I wish, Sir, to claim the indulgence of the House while I make a brief statement of a personal nature. I have been reminded that I omitted to refer last night to one point which was urged against me by the Chancellor of the Exchequer. The right hon. Gentleman stated, that some six years ago I was Auditor of one of the Insurance Companies to which he referred, and that in my capacity of Auditor, I presume, the right hon. Gentleman intended to say I passed accounts that ought not to have been passed.

The CHANCELLOR of the EXCHEQUER: I beg to call the hon. Gentleman to order. I never made any such statement.

Mr. H. B. SHERIDAN: I am very glad to hear it. I beg to explain that six years ago I twice acted as Auditor to the Company in question, and that I subsequently withdrew from the office of Auditor. That Company was then in a position which enabled it to meet all its policy obligations. Up to this moment it has, I have ascertained, met all its obligations, and all its policy holders are secured. Therefore, so far as my connection with that company six years ago is concerned, the functions which as Auditor I discharged were not exercised with reference to a Society which was not able to meet its financial obligations.

EDUCATION.—RESOLUTION.

MR. ADDERLEY, who had given notice of his intention to move—

> "That grants made from the Treasury to Schools for the working classes, should not, in every case, be reduced by the whole amount of all endowments,"

and—

> "That, before laying new Minutes of Council on Education upon the table, the Vice President should explain to the House, after due notice, their purpose,"—

said, he had given notice of two Resolutions, but he was informed by the highest authority that the second of those Resolutions was not proper in form; he should therefore confine his Motion, on the present occasion, to the first Resolution. He did not expect that any extended debate on Education would arise, because the issue he sought to raise was of very narrow dimensions. He wished by the Resolution he now submitted, to prevent coming into operation in June the Minute of Council on Education dated in last May, the effect of which would be to transfer all the endowments of schools referred to in the Minute from the school account to the credit of the Treasury. He would remind the House of the history of that Minute. It might appear that in so doing he would weaken his own case, because he must admit that the principle of excluding endowments from calculations of school incomes in some cases to meet grants dated from the origin of education grants. In the Minute of 1846 it was laid down that when the funds of a school were wholly or partially derived from endowments, such local or general permanent endowments should not be taken into account for an augmentation of the master's salary. In the consolidated Minute of 1858 the same principle was laid down, with a limitation to after the lifetime of the donor. In the Revised Code of 1862 the nature of annual grants was altogether changed, and they became capitation grants, and it was laid down that such grants were not, in the aggregate, to exceed the school pence and subscriptions. Then came the Minute of 1863, which was in principle wholly unprecedented, and an extraordinary stride in advance of the former position. By that Minute not only were grants to be reduced by the excess over the school pence and voluntary subscriptions, but the endowments were to be taken and appropriated in assistance of the grants and treated as part of the grants themselves. He protested against such a step receiving the sanction of the House. Small endowments, such as he was now speaking of, had always been regarded as local contributions, and it never was supposed until the Minute of the Council that they would be taken in relief of the public grants. In the first place, he would draw attention to the reasons assigned on the part of the Treasury on behalf of the principle of excluding or appropriating endowments, and show how the theory of the Treasury broke down in practice, and would then show what the general results and consequences of the principle, if practically enforced, must be. Lastly, he would suggest the right course which he thought should be pursued under the circumstances. With respect to the reasons alleged by the Treasury for excluding from calculation of income, or appropriating the endowments, they were ably laid down by Mr. Lingen soon after the Minute of 1846. Mr. Lingen stated that the Education Grant was intended to cover that portion of the field of public instruction for the labouring classes which was unoccupied by existing provisions. He denied that such was the principle of the education grant. As he understood it, the principle was that voluntary enterprize which had done so much already for popular education should not be overtasked, but should be supplemented by grants of public money. That was the principle which had hitherto been pursued, and it was rational, safe, and constitutional. The Council view of the subject appeared to him to be not only inaccurate but dangerous. It was based on two arguments, the first of which was unsound and the other untrue. The inaccurate argument was this. The Council declared that the Treasury grants to schools were intended only to stimulate and draw out private support, and that when private support had been so secured the grants might be withdrawn. His construction of Mr. Lingen's argument was this, that they had a great public object before them, and it was important that it should be supported as much as possible by private beneficence; they, therefore, laid down rules intended to draw private contributions, but when they had got them they were to withdraw these grants. In other words they angled for private benefactors with these grants, and as soon as they caught one they took the bait out of his mouth and reserved it to attract another. That was a most short-sighted policy, and would in the end defeat itself; for he did not think that they would catch many fish with this bait, after one or two had been made to disgorge it, especially if they did not conceal the hook. It might, perhaps, be said that much success was not contemplated, and there was reason to suspect that at the bottom of the principle enunciated, was the feeling that endowments ought to be discouraged. It might be the opinion of those in office that endowments of all kinds were liable to abuse and ought to be checked; but then, the issue ought to be openly and distinctly raised. The Council ought not to follow the policy attributed to one of the Universities, of trying to starve an obnoxious professor whom they were unable to dismiss. In the present instance, if they could not absolutely prohibit endowments, they ought not to discourage them by a process of injustice. The question was, on which side of the contract between private individuals and the State, for maintenance of labourers' schools, were private endowments, and he (Mr. Adderley) maintained that private endowments were on the same side of the account as private contributions, and ought to be treated as such, and not as public property. Taking the question in the light of parallel cases, he might remind them that the late Lord Plymouth left a considerable sum of money to a favourite Yeomanry corps, of which he had been colonel; but the Government did not thereupon stop a corresponding amount from the pay of the men. Then, again, the Ecclesiastical Commissioners who aided private benefactions out of public funds at their disposal, did not, as soon as a contribution had been secured in the form of an endowment, by their own stipulation turn round and deduct it from the grant they undertook to give. As a matter of common justice, educational endowments ought to be dealt with on the same principle as other contributions which were supplemented by the State. There was a further error in the view of the Council. They said that when a school got an endowment it did not stand in the same need of the grant. That position he could not accept. He would put the case of two parishes of exactly the same amount of wealth and population. In one, an owner set apart so much of his property as an endowment for the school; and, in the other, the owners set apart exactly the same amount in annual contributions. The only difference between the position of the two parishes was in the character of the givers, and the permanence of the gifts, but in local effort and sacrifice of their resources they were precisely in the same circumstances, and they had equal claims for a subsidizing grant. He did not endorse some of the petitions he had presented, which expressed merely a general cry for money, and did not enter into the question of right. The simple issue was, in a contract to supply the income of schools between private and public resources, what the parish, on the one hand, was entitled to take to its credit, and the Treasury, on the other, was bound to give, and he (Mr. Adderley) said that the Treasury was not to help itself out of the pockets of private trustees. He would now show how the principle, set up on the part of the Treasury, broke down in practice. First, in the whole of the kingdom of Scotland the principle had utterly broken down; and, considering that that was half the area of the grant, it was a considerable break down for its supposed principle. To the honour of Scotland, ever since the Reformation, there had been a rentcharge or endowment in every parish in the country for the maintenance of schools. According to the principle laid down by the Government, the Council would say to the Scottish parishes, "All this heritor's tax must be excluded from your calculations of income to meet a grant." According to the Minute of May, they must go further, and say, "This rentcharge is secured for the public purpose of education, and we must regard it therefore as public money, and we shall relieve the Treasury from charge to that extent. In fact, the substance of the Treasury doctrine to all Scotland would be, "We have nothing for you — you have no claim upon us." The grant would become a minus quantity in every rural parish in Scotland. The Scotch, however, had been too well educated ever since the Reformation to take such arguments for logic. And, accordingly, they had not only been relieved from the operation of the minute, but this heritor's tax, instead of being appropriated in reduction of the grant, was treated as a voluntary contribution to which the Government were willing to make equal grants in every parish in Scotland. What would England now say to the justice of such a distinction drawn between endowments on opposite sides of the Tweed? Beon's Charity and Dick's Bequest furnished other instances of the impracticability of the view of the Council. Those were private bequests, leaving large funds for the benefit of schools and schoolmasters, the application of which in detail was optional in the trustees. Here was a puzzle for the Council. The trustees represented the permanent interest, and the receivers the precarious interest. It was clear that the Council had to deal with the latter; but they saw at once it would not suit their view to deal with them, and they said to the trustees, "You have a large endowment; we cannot think of employing public means to supplement your subscriptions to schools, and we must, therefore, relieve the public taxation for those objects out of the means at your disposal." But there was a proviso in both wills that the trustees should so apply the funds as never to interfere with the obligations of any contributors to those schools. The Privy Council had therefore so managed it as to do exactly that which the testators wished to prevent, and had relieved the public chest of all obligations by means of private bequests to those schools. There was also numerous cases of endowments for the payment of weekly pence for the education of poor children, in which the principle dealt with the endowments twice over. Then there were instances, where, with the consent of the Charity Commissioners, small sums allotted for bread, or clothing, or other doles, had been converted into aids for schools. In such cases it might almost be said that the claimants for such doles were still living contributors to the schools to which their doles were transferred, from year to year relinquishing their own rights as a contribution to the schools; yet by the mere fact of the doles having been twisted into the form of school endowments, these practically living contributors were taxed to the Treasury for the relief of public obligations to the poor. Endowments of schools by allotments of common land came under the same category. Because the allottees were practically life contributors, yet the school lost the benefit of the grant to the extent of their contribution. In the case of a great number of endowments created indiscriminately for "clothing and educating" certain children, he felt curious to know how the Treasury could draw a distinction. Why should it not take all to its own credit; or, if not, on what point rests its option? There was a case at Hayes, in Kent, where, in 1861, the parishioners in vestry consented to give two-thirds of a charity which had been expended in bread to the school. Now that this sum was proposed to be taken in reduction of the Treasury grant, the rector who had originated the movement was accused in the parish of fraud. At Harlton, in Cambridge, in 1848, a landed proprietor left £90, to which several voluntary contributions were added by other landowners, who preferred paying down a sum of money at once to making annual payments. The whole was invested in consols, and by that process, under the Minute of May, was practically handed over to the Treasury. At Whiteparish, Salisbury, the Council made it a condition of their first grant that the old master and mistress should be pensioned; but this inexorable principle would not even allow for those pensions, but deducted the whole endowment from their annual aid. Mr. Baldwin wrote that there were two schools in his neighbourhood which each had £1,000 left to them. One invested the legacy to use the interest for current expenses; the other built a master's and mistress's house. The first consequently lost all benefit of its legacy which the other saved. Barrow, near Loughborough, had an endowed school for all sorts of learning; as this did not meet the wants of the working classes, the Charity Commissioners enabled them to establish a lower school with part of their endowment. The trustees handed over one-third of their funds for the purpose, and now found that they had simply relieved the Treasury to that extent at a useless cost to their upper school. He would now show what would be the result if the principle asserted were practically carried out. It appeared by the Privy Council Returns that the Church elementary school endowments amounted to £34,782 a year, and the elementary school endowments of other religious denominations to £3,328. By the National Society's Returns he found that the number of Church elementary schools endowed with small sums of from £5 to £50 was 4,678. From those two statements it was clear that the majority of the schools affected by the Minute were Church schools in poor rural districts. In this manner the Minute certainly contravened the express intention of the grant. He never stood up for the plea of poverty in the rural districts, where there was always property enough to take its share in the work, if there were no poverty of spirit in the owners. What he contended for was, the spirit of this Minute was in direct contravention of the declared intention of the original grant — namely, that the poor were its primary object; and all construction should be in their favour. The Minute of June, 1839, said that "the rule for aiding in proportion to subscriptions should not be invariably adhered to in cases of very poor and populous districts."

MR. LOWE: That relates to building grants.

MR. ADDERLEY said, that the principle was the same whatever the application, and therefore his argument was not affected. It was certainly a contravention of the original principle to pass a Minute by which all classes of schools in the country, especially those in the rural districts, should be most deprived of the Privy Council grant; and it was quite as mischievous, if not more so, that they which needed inspection most should be deprived of the examination and inspection, and of the stimulus which was given by the Privy Council to all the schools which came under the supervision of its officers. But the schools which would suffer under this Minute were not only the schools in poor rural districts—they were nearly all Church schools. He did not desire that a Parliament grant drawn from the general taxation of the country should be administered for the benefit of any one class; but, for the same reason, it should not be spent to the special injury of any class, and least of all of the Established Church of the nation. As an evidence of what would be the operation of this Minute, it was stated that in the diocese of Carlisle, the aggregate grants under the Revised Code to eighteen schools, taken as samples, having endowments of about £30 a year each, would have been £322 a year, but by the Minute of May last they would be reduced to £87. It was also stated that nearly one-half of these schools would lose all grants, and that endowers of them to the amount of £1,830 a year were still alive. He fully admitted that there was great difficulty in drawing a Minute on this subject so as to avoid too wealthy claimants obtaining undue advantage. There must, in the first place, be a limit beyond which endowed schools should have no claim upon the public grant which was specially meant for the labouring classes, and ought not to be spent on classes which could afford to pay for their own education. That limit should be so fixed as to characterize the endowment as belonging to the working classes. Secondly, there ought to be another limit fixing the extent to which those who are within the first limit might claim the grant; because, although certain endowed schools might be allowed to participate in the Parliamentary grant, they ought not all to receive as large a subsidy as schools which were supported solely by voluntary contributions. But, in all cases, endowments were of the nature of private benevolence, and ought not to be taken by the Treasury as a means for reducing their own contributions. Several suggestions had been made to him as to how the difficulty might be met. Some persons thought that endowments might at a certain rate be taken for the education of a certain number of children, and that the rest of the school might be treated as a school unendowed. That seemed to him to be a complicated mode of dealing with the question. Others proposed that the aggregate income of the schools, including school-pence, grant, and endowment, should be limited to a certain amount. There were various ways of meeting the difficulty, but he thought that the double limit which he had mentioned, which was the principle of the Revised Code, was the true principle, and that the principle which sought to appropriate private endowments in relief of the public treasury, which was the principle of the Minute of May, was a wrong principle, and ought to be abandoned. As his second Resolution was informally drawn, he would postpone it, and he would merely say a word on the principle involved in it. He thought that it would be very useful if the House could have its attention drawn to the introduction of new Minutes, and if some check could be put upon too incessant changes. They must expect changes from a very clever Minister, who had talents equal to a place in the Cabinet, and who had to let off the steam of superfluous energy which was pent up in a too narrow office. But if the attention of Parliament were called to every new Minute that was laid upon the table, it would probably prevent such numerous changes being made. Generally speaking, this system of bye-legislation in Executive offices, which seemed to be increasing, was dangerous. Still, from his own experience, he confessed that if every change that it was necessary to make in the administration of the Education Grant were to be brought to a Vote in that House, administration of the grant would be impossible. There was, however, a medium somewhere between this and the present mode of slipping changes on the table, without any one knowing anything of them, and often at the close of the Session. Not only did new Minutes steal upon them thus from time to time, but there were besides circulars issued in explanation of these Minutes, which very often in their importance themselves amounted to new Minutes. Something in the way of announcement of, and calling attention to, changes might, he thought, be adopted. However, as his second Resolution was so worded that it could not be put, he would defer to some future opportunity, taking the sense of the House upon the proposition which it involved, and at present would only move — "That Grants made from the Treasury to Schools for the working classes should not in every case be reduced by the whole amount of all endowments."

Mr. F. S. POWELL (Cambridge) seconded the Motion. He entirely agreed with the right hon. Gentleman in his statement as to the effect of the system in the poorer districts, and in his assertion, that the Education Grant was intended for the benefit of the working classes. It was not impossible that the House might have from the Treasury bench some loud declamation against endowed schools. He conceded every argument which could be based upon strong accusations and harsh expressions. On looking over the Report of the Education Commissioners he observed that endowed schools were abused by witness after witness. The Bishop of Carlisle said there was a danger lest the security of endowments should damp the zeal of the masters; but he added that such superintendence as was implied in Government inspection might neutralize the tendency, and he declared his opinion that small endowments should be treated as annual subscriptions in the matter of augmentation of stipends. But, in the midst of the evidence against endowed schools, there appeared some gleams of light and some symptoms of hope; and, upon the whole, no candid inquirer could say that there was anything in the Report of the Commissioners adverse to the proposition of the right hon. Member for Staffordshire. The Commissioners themselves said that if endowed schools were to remain useful, or to be prevented from becoming noxious, they should be made the subject of cautious and discriminating reforms. Most assuredly, however, they proposed no sweeping measures, and yet their recommendations, if faithfully carried out, could not fail to be successful. They suggested, for example, that the master of an endowed school should hold a certificate either from the Privy Council, or from the Universities, or from some other public body; that there should be a change in the manner in which some masters of endowed schools were appointed; that there should be a power to remove masters; and that there should be a periodical inspection by officers of the Privy Council. The direct tendency of the new Minute would be to remove endowed schools from Government inspection, and in that respect, therefore, as well as in others, it was in opposition to the recommendations of the Commissioners. Among the many evils connected with the charities of the country, not the least arose from the doles of bread periodically given. Such doles were mischievous and dangerous; in many cases they induced persons to attend the services of religion for no other purpose than to receive the dole, and so tended to produce among the people feelings of irreverence and profanity. He should like to see them devoted to one or all of three purposes—the providing of hospital and infirmary accommodation, the promotion of education, and the relief of the aged poor. In many parts of the country attempts were now being made to apply doles to education; but, judging from letters he had received from clerical and other friends, he was afraid that if the new Minute was not repealed those efforts would cease, and the doles would remain a source of demoralization among the people. These endowed schools were distributed over every part of the country, and admitting that many of them were in a languishing state, the question was whether, by stimulating the action of local interests, we could improve their condition. He had no doubt that such would be the effect of the Resolution of his right hon. Friend the Member for North Staffordshire, and, in point of fact, something had already been done for endowed schools. Those schools required such assistance as the Privy Council could give; but now it was actually proposed to leave them to themselves, permitting them to become an obstruction to education, a resistance to progress, and a harm to the people. Many endowments had been created within the last few years, and in applying their Minute to them the Privy Council were acting not only in violation of justice and policy, but likewise in opposition to the recommendation of the Education Commissioners. There was also another point to which the right hon. Gentleman had alluded, and to which he wished briefly to advert. We had in existence throughout the country several free schools which possessed endowments, and which were obliged by their foundation to educate certain scholars without remuneration. Now, how did the Government propose to act towards such schools? Why, it said, "You shall still continue to educate those scholars free, but you shall not continue to receive the money by which the expenses of that education are to be defrayed." By no principle of reason or justice could such a mode of proceeding as that, he contended, be justified. But on the face of the Report itself was to be found the most powerful condemnation of the Minute, inasmuch as the proposition was there clearly set forth, that because endowed schools often obtained grants without needing them, therefore it had been decided to consider such endowments in relief of grants. But surely it was not because endowed schools often did not need grants that the grants were to be taken not from those particular schools, but from all endowed schools? The Minute, and also the Revised Code, were in his opinion bad; but there was an old proverb, that bad laws were not so mischievous as uncertain laws; and now an element of uncertainty was about to be introduced. There was a time when there was a pleasure in having communications with the friends of education in this country; but that time no longer existed. From communications which he had had with those who were engaged in educating the classes for whom this course of education was specially intended, he found that the difficulties with which they had to contend were greatly increased by the conduct of the Government, and there was everywhere a feeling of doubt, uncertainty, and suspense, and an anticipation of some impending blow. The right hon. Gentleman (Mr. Adderley) had alluded to the changes which had taken place in the Code; but the mischief was that those changes never ceased. It was much to be regretted that the Government had not paid more careful attention to the Minute, and the various other documents which had been issued from the Education Office, because the want of care produced this consequence, that there were in some of the documents clauses which were in direct contradiction to the Revised Code. The Code said that trust deeds which settled the legal ownership of the premises, and provided for the inspection and management of the schools, should be prepared in accordance with one or other of the precedents which had been settled. But in January last an attempt was made to force upon the National Society in every case where there were only 150 children in the school, a "conscience clause," though it appeared that that conscience clause was not contained in any one of the precedents according to which the grants were to be made to the National Society. He contended that this was in contravention of the arrangement between the House and the Government, and that such an alteration ought only to be made by a Minute, which should be laid upon the table, and should be approved or rescinded by the House. There were many other points in which, according to his judgment, the action of the Government was most disastrous to the schools. He believed that it would be wisdom and policy in an administration which desired to promote the interests of the people to meet as far as they could every desire of those who promoted education, and he most deeply regretted that a different policy had been adopted by Her Majesty's present advisers. He saw this policy in the Minute of which he complained, in the correspondence with managers of schools, and in the general outline of the action of the Government in this matter; but he trusted that a change would come over them, and that the country might not find from the Department of Education obstruction instead of advancement; and that it would hereafter be able to repose a confidence which it did not at present entertain in an important department of the administration.

Motion made, and Question proposed,

"That Grants made from the Treasury to Schools for the working classes, should not, in every case, be reduced by the whole amount of all endowments.—(*Mr. Adderley.*)

LORD HENLEY said, that in no part of his speech had the right hon. Gentleman opposite (Mr. Adderley) spoken with more truth than when he stated that it was the schools in the rural districts which the alterations made by the Committee of Council would principally affect, and that these schools were chiefly Church of England schools. Now, if the proposition had been to vote a fresh grant for education, there might have been more doubt as to the regulations proposed; but, in fact, it was only proposed to administer a grant that already existed; and seeing that the Church of England monopolized almost entirely the education of those districts, he was disposed to look with great regret on any proposition which tended to diminish its power of extending its operations. He agreed that one of the principal grounds of complaint, on the part of the managers of schools, was the sudden changes to which they were exposed. It was, for instance, only about two years ago that the managers of schools in the rural districts were taking into consideration a Minute, under the operation of which they were to receive certain additions to the sums paid for those schools, in the belief that the increase was to be placed on a fixed basis, and was to continue for a great many years. All their calculations in the matter were, however, rudely upset by the Minute under discussion. He would call attention to the way in which its operation would interfere with the interests of the three classes of persons chiefly interested—the managers of the schools, those who taught in them, and the pupils. Now, first as to the managers. They thought that under the Minute of two years ago they were to receive a certain sum as the price of certain results to be found upon examination; but the managers of schools with endowments found, in many cases, that they were to lose the whole amount of the sums which had been promised them; and that, consequently, they must reduce their establishments. This reduction would be necessary, because in many of the rural districts it would be found impossible to raise additional subscriptions sufficient to compensate for the loss of the grant. He thought that this was a position which it was hard to put the managers in. The Minute operated, in his opinion, equally injuriously in the case of the schoolmasters, who had gone to great expense, and undergone laborious preparation, with the view of obtaining the certificate, and whom the managers would now find it impossible to employ at the rate of wages which they had been led to anticipate. The consequence would be, that a great number of those teachers would be thrown entirely out of employment, and be unable to find a market for their labour. Then, as regarded the scholars, the effect of the Minute would be to deprive them in a great many instances of all the advantages of Government supervision, because the stimulus which made the teachers and managers endeavour to earn as much as they could by getting their pupils to appear to the best advantage at the Inspector's examination, would no longer operate. Indeed, where the amount of the endowment and the amount of the augmentation grant were nearly the same, the managers, as they would have little or nothing to receive, might be induced to withdraw their schools entirely from Government control, whereby the efficiency of the teaching might be seriously impaired. If it were proposed to make this reduction in the grants on the score of economy, it should be deemed necessary to economize in regard to the Educational Vote, and more especially in this particular form. He thought it would be very bad economy to take away the grant on account of the existence of an endowment, because the natural result of it would be that in future no person would be found to endow a school at all from his private resources. The Report mentioned the case of a clergyman at Coventry who had set apart the sum of £28 annually for the purposes of education in his own parish, and who said that if, at the time he did so, he had known of this Minute, he never would have made such a disposition of his money. He desired, therefore, to impress on the right hon. Gentleman the very great injury which his proposed Minute would do to the cause of education generally, and more particularly in the rural districts, in connection with the Church of England schools. It would exercise a very deteriorating influence upon the character of the instruction given; and on all these grounds he trusted that some modification would be made in its terms.

MR. MITFORD said, that in supporting the Resolution of his right hon. Friend, he begged to express the pleasure with which he had heard those manly words fall from the noble Lord opposite, who consistently supported Her Majesty's Government, but whose practical knowledge compelled him on this occasion to vote against his friends. As the manager of a small endowed school, and representing a district which contained a large number of such schools, he must enter his humble protest against the proposal of the Government. He protested against it, in the first place, as tending to alter and unsettle the arrangements—these arrangements being the result of a compromise—which were come to under the Revised Code of 1862. Under those regulations he, in common with all other managers, entered into pecuniary arrangements with teachers, and incurred other responsibilities which, if the Minute of the right hon. Gentleman were to be carried out, would be entirely destroyed. He protested, in the second place, against the proposal of the Government as tending to discourage many rural schools, which alone would be affected. Rural schools, by comparison with urban schools, suffered in the competition for capitation grants, and it was impolitic to weight them still more heavily. Few, save those who lived in rural districts, appreciated the immense disadvantages under which such schools laboured, from the difficulty of bringing children together, from their living at some distance from the schoolhouse, from insufficiency of clothing, from bad weather, and from the unwillingness of their parents to send them to school. And it must not be forgotten that it was almost impossible to give to children in country villages the same sharpness and readiness displayed by children in towns. The consequence was, that when the Inspector paid his visit they made a worse show, and suffered proportionately in the capitation grant. He protested against the proposal of the Government, in the third place, as tending to discourage future endowments and those who might be inclined to make them by confiscating to the revenue of the State the endowments already made. Perhaps he might be allowed to state the case of the parish in which he lived, and of the schools of which he was the manager. A few years ago the schools were built by relatives of his, and were afterwards endowed with a sum of £500. The trust deed showed the purpose for which the endowment was given—that the money was given as a subscription of so much a year during the life of the donor, and to save himself and others in the parish after their death, by as much as the interest of the gross sum, from paying to the support of these schools. With what justice, then, he asked, could the Government take away the endowment from the parish as they were about to do? If the principle were adopted it would discourage many liberal men from doing liberal deeds, and would prevent future ages from enjoying the benefits of their liberality. The right hon. Gentleman would by-and-by make a speech to which they would listen with great pleasure, and his words might be summed up in this one argument—that it was unfair to give to endowed schools in the same proportion as they gave to unendowed schools. But he (Mr. Mitford) would say in answer, that the ingenuity of the right hon. Gentleman could not devise means by which all schools in all the parishes throughout the kingdom could be placed on the same footing with regard to competition for the Parliamentary grant. He had already referred to the great disadvantages under which rural schools laboured in comparison with urban schools, and he could mention twenty other cases in which the same injustice would be done as in that which he had named. The right hon. Gentleman could not get real justice by his present proposition—he could only get apparent justice; and was it then worth while, he asked, under those circumstances, to meddle with such sacred things as endowments and bequests? He supported the Resolution of his right hon. Friend the Member for Staffordshire. He only regretted it was not stronger. Instead of merely saying that the grants to endowed schools should not in all cases be reduced by the amount of all the endowments, he thought it would have been better if the words of the Resolution had been "that grants made from the Treasury to schools for the working classes should not be reduced, except in cases provided for by the Revised Code of 1862." It was better, in his opinion, to take their stand on that broad ground, and he should be glad if his right hon. Friend would allow the substitution of those words for his own. He trusted that the right hon. Gentleman who had charge of the Educational Department would see that the feeling of all Members on the Opposition and of many Members on his own side of the House was against his proposal, and would be satisfied with what he had at present done. The House and the country had allowed him to do a great deal, and he hoped the right hon. Gentleman would take a hint from the well known saying of the great oracle of his party—"rest" on the merits of what he had done, "and be thankful."

Mr. BAINES said, the object sought to be obtained by the Government proposal was to prevent a great and palpable waste of public money, and to bring back these grants to schools to the distinct principle upon which they were founded. Nothing was better known than that the principle of the system founded in 1846 was to find means, not to supersede, but to stimulate voluntary contributions. It needed no quotation from *Hansard* to prove this. Nothing was better known than the fact. Every grant was to be met by a voluntary subscription. The right hon. Gentleman (Mr. Lowe) was just going back to the principle which existed at the outset. It had been for a time most unjustly and improperly departed from. The right hon. Gentleman the Mover of this Resolution had found it necessary to depart from the extended terms he originally employed, and to adopt a more contracted form. His original Motion was to prevent the Government from deducting the endowment from the grant in any case; but he now said merely that it should not be imperative to deduct the whole endowment from the amount of the public grant in every case. He was astonished that the right hon. Gentleman, with the zeal he had always avowed for voluntary exertions, should have made such a Motion. Not only was it utterly unfair to give the same amount of public money to a parish having an endowment as to those which had none, but such a system tended positively to repress, discourage, and prevent the development of the voluntary principle. He should prove that, not by argument, but by facts, from documents which had been laid on the table of the House. In the parish of Clewer, Berks, National School the endowment was £61 per annum, the subscriptions *nil*, and the Government grant £45. In Old Windsor National School the endowment was £110, the subscription £30, and the Government grant £60. In March, Cambridge, National School the endowment was £56, the subscription *nil*, and the Government grant £61. In Sandbach, Cheshire, National School the endowment was £105, the subscription *nil*, and the Government grant £263. In Wyburnbury (Delve's Charity) National School the endowment was £110, the subscription *nil*, and the Government grant £20. In Crosthwaite, Cumberland, Free Grammar School the amount was £124, the subscription £37, and the Government grant £82. In Glossop (Duke of Norfolk's School), Derbyshire, the endowment was £120, the subscription *nil*, and the Government grant £298 10*s*. In Barnstaple, Devon, National School the endowment was £100, the subscription £35, and the Government grant £54. In Bishop Auckland, Durham (Bishop Barrington's) Church School the endowment was £187, the subscription *nil*, and the Government grant £85. In Cirencester Church School the endowment was £638, the subscription *nil*, and the Government grant £108.

Mr. MITFORD inquired what year the hon. Gentleman referred to?

Mr. BAINES said, he was referring to papers which were moved for last year; one of them by the hon. Member for Oxfordshire, and the other by the hon. Member for Bolton. He was not sure whether one was the year before last.

Mr. MITFORD: That was before the Revised Code.

Mr. BAINES: It was in Fairford National School the endowment was £131, the subscription £18, and the Government grant £141. In Hanham Wesleyan School the endowment was £129, the subscription £58, and the Government grant £101. In Moreton-in-the-Marsh Church School the endowment was £145, the subscription £40, and the Government grant £101. In Hereford (Scudamore's Charity) National School the endowment was £168, the subscription *nil*, and the Government grant £132. In Faversham District, Kent, National School the endowment was £596, the subscription £44, and the Government grant £391. In Greenwich, West Brand, Roan's Grey Coat Wesleyan School the endowment was £751, the subscription *nil*, and the Government grant £70. In Whitstable and Seasalter (Charity), Kent, National School the endowment was £140, the subscription £28, and the Government grant £173. In Liverpool St. Bartholomew's, Naylor Street School the endowment was £170, the subscription *nil*, and the Government grant £164. In Loughborough, Leicestershire, School the endowment was £200, the subscription *nil*, and the Government grant £214. In Lambeth, Archbishop Tenison's School (National) the endowment was £335, the subscription *nil*, and the Government grant £97. Looking to these facts, he maintained that the effect of the old system was to repress voluntary action. It was a great benefit to the people to compel them to be active in the great cause of education; and they would be active under the influence of motives of religion, humanity, and regard to the public peace. He thought the right hon. Gentleman (Mr. Lowe) would have been censurable in the highest degree if he had not put an end to such a system as he had described. When that system was put an end to, the means would develop themselves for supplying the want. First of all they would have subscriptions and collections in churches and other places of worship. Then they would have a higher scale of payment on the part of children. He believed it was a most fatal policy to keep them down to the miserable penny per week. A higher payment would be positively beneficial to parents. It tended to increase their interest in the education of their children. The right hon. Gentleman (Mr. Lowe), he repeated, had taken the fair, just, and common-sense course in putting an end to the monstrous system of paying no regard whatever to private endowments in his administration of the public funds. He most heartily agreed with the principles laid down by the Privy Council, and should, therefore, oppose the Motion of the right hon. Gentleman opposite.

LORD ROBERT CECIL said, it was always an unpleasant thing to witness the waste of labour well intended, and all the time the hon. Gentleman opposite (Mr. Baines) was detailing figures which he had evidently collected with much care and cost of personal labour, he felt a pang that all those figures should be thrown away. The hon. Gentleman had been slaying the slain; he had been killing a system which was dead, and delivering an argument, not in favour of the Minute before the House, but in favour of the Revised Code, which had been disposed of two years ago. The enormous disproportions of which the hon. Gentleman had spoken might be disposed of summarily for the moment by the observation that they referred to a system which had gone by. He quite agreed with the hon. Gentleman, that what they had to look to was not any special case, but the general principle on which these grants were originally made by Parliament. The general objects which Parliament had in view were two. In the first instance, Parliament desired to assist education in those districts where population was comparatively poor, and therefore might be presumed to be unable to assist themselves. Besides that, Parliament desired to draw out the voluntary subscriptions of the people, and in respect to both of those objects, this Minute sinned against the primary objects of the Parliamentary grant. With respect to the poverty of the districts aided, everybody knew that in towns education could pretty well take care of itself. [MR. HADFIELD: Hear, hear!] In the towns with which the hon. Member for Sheffield (Mr. Hadfield) was acquainted, large sums, no doubt, could be collected for education without any assistance from Government. The really sore point was reached on getting into the more sparsely populated districts, where the same amount of wealth could not be found. He agreed with the right hon. Member for North Staffordshire that those districts could not be called too poor to support the education which they desired to promote; but they certainly were very much poorer than the districts with which they were brought into comparison. The support of education was always a matter of difficulty there, because, in rural districts, the schools depended mainly on the landed proprietors. They were, generally speaking, the chief persons possessed of wealth, they were liable to the vicissitudes of character to which human beings were exposed, and it never could be relied on that in any particular district, at any particular time, there would be found landowners who would be disposed to support education. In dealing with towns, we might rely on averages. There might be a certain number of persons indisposed to education, but there would always also be a certain number who would be zealous in the cause. But where property was comparatively concentrated, the point was to obtain a permanent support for education. Voluntary subscriptions might safely be depended on for education as long as there was a sufficient number of persons of wealth to enable us to be certain that there would be among them some zealous promoters of education; but they were no longer a safe dependence where the numbers were few. In rural districts, when a man zealous for education came into his property, he said to himself, "These schools depend mainly upon me; it is possible that my son, or some future descendant, or some person into whose hands my property may pass, may be less zealous in the cause; I will, therefore, stereotype my good dispositions by making an endowment for the school. I will secure it from all danger which may arise from a change in the character of any future tenants of my property, and I will take care that it shall be as secure in its support as those schools which are supported by the denser populations of towns." Was it not desirable to encourage people to do that? Was not that a mode of voluntary support quite as worthy of the countenance of the House of Commons as the contribution of those subscriptions the amount of which varied from year to year? It was on that ground that he thought the right hon. Gentleman opposite was levelling a heavy blow at the education of the poorer districts, when, by this Minute, he said he would discourage all permanent sources of support. Here he must remind the right hon. Gentleman of one thing of which the arguers of his case had lost sight of. The hon. Gentleman opposite (Mr. Baines) had mentioned cases in which there were large endowments and small subscriptions. The *rationale* of that was this:—When a man inherited landed property he might probably find that his ancestors had alienated a large amount for the support of a school. He knew that the school was supported by revenues which but for that alienation would be his, and he said, not unnaturally, "My ancestor has taken care of my subscription, my duty is discharged, and I will subscribe no more." There was no harm in that, the school flourished just as well—it was merely a different mode of taking the amount, and that explains why parish endowments may be very large, and voluntary subscriptions nothing at all. Then there came the other object of the Privy Council—the encouragement of the voluntary subscriptions of the people. In this country the system and principle of endowments had become so much a part and parcel of our institutions, it had entered so thoroughly into our social life, we relied on it for the supply of so many wants, that at this time of day it was hardly open to us to start the question, whether endowments were good or bad. But if it were desirable to raise that question, it ought to be done in a direct manner. He maintained that the voluntary contributions of the people, in the shape of permanent endowments, were just as worthy of encouragement, just as great an object of self-devotion, showed just as great zeal in the cause of education, and were just as powerful an aid to the promotion of that cause as if they were temporary and evanescent. Therefore, the objects contemplated in the original scheme of education appeared to be not only equally but better attained by the encouragement of endowments than by the encouragement of temporary subscriptions. It was on these two general principles that he opposed the Minute of the right hon. Gentleman. But he had special grounds also, which were intimated in the Motion appended to the Resolution of his right hon. Friend (Mr. Adderley), which he had not been able to put. There were peculiar features connected with this Minute which the House of Commons was called on to take notice of. Two years ago they had a battle on the Revised Code, which ended, as all political battles in this country must do, in a compromise. Each side yielded a great deal to obtain what was generally believed to be a permanent settlement. It was accepted, to a great extent, by the managers of schools. They, bowing to the will of Parliament, set themselves to the task of undertaking new liabilities, bearing new burdens, and discharging new duties, on the faith of that settlement, which they believed to be permanent, and to the maintenance of which they thought the authority of Parliament was pledged. But the object of the right hon. Gentleman, since he had been in the Education Office, seemed to be to keep it in a perpetual state of revolution. No man who had to deal with him knew what the next year might bring forth, what new principles would be started, and what new conditions would be thrust upon him for his acceptance of the grant. The right hon. Gentleman must see himself that nothing could be more fatal to the progress of education, or more weakening to the confidence which managers had in Parliament, than these perpetual alterations of principles. But it was not merely that of which the House of Commons had a right to complain. It is that from the very beginning of his tenure of office to the present time, the right hon. Gentleman seemed to have thought that his mission was insidiously and clandestinely to thrust into the management of the affairs committed to his charge principles which he did not venture to avow when he stood on the floor of the House of Commons. The hon. Member for Leeds (Mr. Baines) was a bold and outspoken voluntary. The hon. Member for Sheffield (Mr. Hadfield) was something more

Lord Robert Cecil

than an outspoken voluntary; but though the right hon. Gentleman differed in language from his supporters, did he differ in conduct? The right hon. Gentleman lost no opportunity of striking at the basis of the system which he had been placed in his present office to administer. What the House had reason to complain of was, that the right hon. Gentleman did not come forward, when he moved the Estimates, and acquaint the House with the changes, and tell them the effect of his proposals. Instead of doing so, he wrapped his schemes up in those hieroglyphics which the permanent Secretary of the Treasury knew so well; and in these they remained till some hierophant of the Education Office unravelled them. Then the House found it was not some alteration in detail they had passed, but that some principle which they had cherished, and which was at the foundation of the whole system, had been secretly sapped and undermined. He thought such proceedings very objectionable on the part of a Minister in the House of Commons, but they seemed especially objectionable in the Education Department. There was no Department to which the House of Commons committed trusts so unlimited. Parliament committed to the right hon. Gentleman a fund of which it touched scarcely a single item; it handed over to him enormous sums—reaching nearly a million sterling—and left it almost entirely to the discretion of his office to dispense them. He thought that so much confidence deserved some confidence in return. What he was now about to refer to was not a subject before the House, but it bore on that subject. They had had many complaints from religious societies of the way in which the right hon. Gentleman was dealing with the religious aspect of the question. There was the case of what was generally known as "the conscience clause." This clause was not before them, and he did not mean to discuss it; but what he wished to bring before the House was this, that if those changes were made at all, they ought to be made openly, avowedly, and deliberately. [Mr. Lowe: Hear!] They ought not to be made by the Minister in the secrecy of his office; they ought to be made avowedly in the face of the House of Commons. It was not fair that the right hon. Gentleman should go so far as to banish dogmatic teaching from the Church of England schools, without giving the body who furnishes the money an opportunity of passing judgment on such a proceeding. It appeared to him that the proposition which they were discussing that night was only a part of the same system. No intimation had been given by the right hon. Gentleman of the bearing of that plan. The first intimation they had received of it was the complaint of those who felt that it was an injury, and apprehended the damage which it was likely to entail. Even if the House did not now differ from the right hon. Gentleman on the general principle on which the contributions to the rural schools are to be based, if they did not fear the utter ruin of the rural schools, and the entire extinction of the contributions on which for the future they ought to rely—even if there were not those objections to the proposal of the right hon. Gentleman—they ought to reject it, because it had been introduced with a secresy and a silence which the House of Commons was bound not to tolerate.

Colonel SYKES said, as representative of the city of Aberdeen he was an official trustee of the Milne Bequest to schools in Aberdeenshire, and in the name of the schooolmasters of that shire he protested against the scheme of his right hon. Friend as mischievous and impolitic. There were two bequests of an important character to schools in the North of Scotland, the Milne and Dick's Bequests. Taking the case of one of these bequests by way of example, he wished to observe, that it was not an endowment in the usual sense of a compulsory annual fixed allowance to particular schoolmasters, but an allowance at the discretion of the trustees to such schoolmasters as satisfied the requirements laid down by the trustees; and the trustees, acting on their powers, applied it for the purpose of securing schoolmasters of superior attainments. Accordingly, there were in some of the parochial schools in the North of Scotland schoolmasters who could teach Greek and Latin, and Mathematics; and many men whose names were an honour to their country, and who were enrolled upon its annals, had received their early education in those schools. Dr. Milne, in his deed, says—

> "So small is the pittance of salary which is in general bestowed upon the parish schoolmasters in Scotland, that little inducement exists for men of any talent or acquirements to engage in such an office; the sources of instruction are consequently proportionably defective, and the youth whose minds ought to be formed, find but a poor and ill adapted model for improvement. It is therefore

highly important that the situations of the parish schoolmasters should be improved, because it will induce men of abilities and of education to engage in such a task."

And he expressly enjoins that his bequest shall not be applied in such a manner

"As in any way to relieve the heritors or other persons from their legal obligations to support parochial schoolmasters, or to diminish the extent of such support.

The bequest fund only permits of £20 being given annually to 70 out of 114 parochial schools in Aberdeenshire; the trustees therefore have an ample margin for new selections, whenever the grantees failed in their duties: in fact, those endowments were in the nature of voluntary grants in the first instance; and they ought not to come under the rule which his right hon. Friend sought to have adopted. The scheme of the right hon. Gentleman would unquestionably deter all benevolent persons from assisting, by bequests, in promoting the education of the people, and he, therefore, should give it all the opposition in his power.

Major CUMMING BRUCE said, he quite agreed with those who believed that the effect of this measure would be to discourage endowments for the future, and it might almost be concluded that this was the object which his right hon. Friend had in view. He knew his right hon. Friend too well, however, to suppose that that was his object. No doubt the proposition had been made from the fear that the Educational Grant was attaining such formidable dimensions that Parliament would be deterred from continuing it. But he thought the right hon. Gentleman had entirely overshot the mark, and that the effect of his proposition would be to prevent the bequests which would otherwise be made for educational purposes. He was sure it would have that effect in Scotland. With regard to the Dick Bequest, which was a fund left for the purpose of improving the position and raising the qualifications of the parochial schoolmasters in the three northern counties, his right hon. Friend came under the description of the persons alluded to in the terms of the bequest, which said that the fund was not to be applied in such manner as to relieve the elders or other persons from their obligation to support the parochial schoolmasters. Practically, his right hon. Friend proposed to confiscate for the use of the Treasury a bequest which was given for a different purpose—namely, to raise the standard of qualifications and the remuneration of the parochial schoolmasters. He also believed that the right hon. Gentleman would entirely fail in saving the public money. In the county of Banff there was a school with 272 scholars, and the grant to which they would be entitled would amount to £90, while at present the utmost extent of the grant given by the trustees in aid of any parochial schoolmaster was £40. The Minute had been received in Scotland with the greatest possible disapprobation; it would interfere materially with the efficiency of the schools there; and the people were therefore unanimous in thinking that every possible opposition ought to be given to it.

Mr. HADFIELD said, the proposition before the House was how to educate the people of England. A grave question connected with it was now moving the world, the question of endowments and the voluntary principle—a living sentiment and the exercise of mental effort on the one side, and a dead lock, a body without a soul, on the other. It was a subject which interested all civilized society; the old and obsolete principle of endowments and establishments was dying away, and those highest in Christian principle and example would carry the day. It was the pivot on which humanity, on which the whole human race would turn. How had the competition between voluntaryism and endowments been carried on during late years? For years it had been the principle of the Nonconformists to abandon endowments and rely entirely upon voluntary effort and intellectual effort. And what had been the consequence? Had the Church competed with them in the moral and intellectual instruction of the people for the last fifty years? Certainly not. The Church had between 15,000 and 16,000 institutions in the country; the Nonconformists had 25,000, and yet did not seek a single shilling from the State. The only denomination of Protestant Nonconformists in the United Kingdom who asked for a single shilling of public money were the Presbyterians of Ireland, who pestered the Lord Lieutenant and hunted up the Prime Minister to secure and to increase their endowments, and the result had been the decrease of their body. The Voluntaries in this part of Britain—he meant England and Wales—had 3,000,000 children under the tuition of 350,000 voluntary and unpaid teachers. What was moving the Church of England at the present moment? Dissatisfaction with the subscription to the Doctrines and Articles. For two hundred years the Nonconformists had borne the persecution and obloquy of the hierarchy. And what said the Head of the Church now? Her Majesty, the Head on earth of the Church of England, had issued a Royal Commission to inquire whether this subscription, so long sought to be exacted from the Nonconformists, but never got from them, could not be changed. In other words, suggesting that the Nonconformists, who had protested against the subscription, were right, and the Church wrong; that those who for 300 years had borne a testimony against this subscription were right, and those who insisted upon the subscription—and insisted on it, too, on the principle that they were the predominant party — not the Christian party, but the dominant party—were wrong.

Mr. LOWE: Sir, before I address the House upon the subject immediately before it, perhaps I may be allowed to say a few words in reply to the observations of the noble Lord the Member for Stamford (Lord Robert Cecil). The noble Lord did me too much honour in attributing to me the undivided management and responsibility of what he calls the educational revolution which has taken place during the last three years. I am but the humble instrument of much higher authorities, and the whole of these changes have been submitted to the Educational Committee composed of the highest officers of the State, under whose directions I have to act. I should be tempted to take to myself—if I were worthy of it—all the responsibility and the blame for what has been done. The noble Lord, in the light and sportive manner in which he is in the habit of enlivening our debates, has said that I entertain insidiously and clandestinely certain sentiments which I dared not avow—one of those sentiments arising from the fact that I am a concealed follower of the hon. Member who has last addressed us. It matters very little to the House what my opinions upon this subject may be, but I can assure it that in what I have had to do with regard to education, I have looked upon it as a matter of business in a department which I have had to administer under principals. All my efforts have been directed to carrying out the directions I have received from my official superiors in the manner best calculated to attain the end they had in view. I have had no concealed opinions—no views kept back—no secret colloquies with the hon. Member for Sheffield (Mr. Hadfield). If I had been an advocate of the voluntary principle I could have done no better than to have done nothing and to have left matters alone. By doing away with some of the charges to which allusion has been made, and by bringing the whole subject to the test of examination, the Privy Council system has secured a new lease. When I found the Vote increasing at the rate of £100,000 a year, if I had left that state of things to continue for five years I should now have to submit an estimate of £1,200,000, and I think then I should have pretty well played the game of the supporters of the voluntary principle. The thing would have become so inflated—so intolerable—that the country would have risen and the whole system would have been swept away.

Coming now, Sir, to the immediate subject of discussion, I am accused of having acted stealthily, furtively, and secretly with regard to this Minute. Let the House look at the facts. The Minute was laid on the table on the 19th of May, last year. The noble Lord says the Minute is couched in such intolerable jargon that a hierophant is necessary to explain it. The Minute is, "Annual grants to endowed schools are reduced by the amounts of their income from endowment;" that is the whole of it. I am not acquainted with any hierophants, but I am sure he must be a clever expositor who can put that into plainer English. It was laid upon the table on the 19th of May. After that I was duly questioned by the right hon. Baronet the Member for Droitwich (Sir John Pakington) and others, and then came the Education Estimates, when the amplest opportunity for discussing the subject was afforded. The Minute was proposed to come into operation on the 30th of June of this year, thus giving fourteen months for consideration and discussion. There may be many faults about it, but it is impossible to take a course more calculated to insure publicity. Let hon. Gentlemen remember that it is not my fault if the Department must act by Minutes. It is the system we found in existence, and it is not possible for a Department acting by Minutes to have that publicity and concert with the House of Commons which accompany the introduction of a Bill. There is one consolation which ought to redeem us from obloquy, and that is, that if we had been compelled to alter the old system by a Bill I could never have carried it through this House, and I should now be about at this moment to move for a Vote of £1,200,000. So, with all its faults, the present system has at least one advantage. With respect to this Minute, it obliges me to go to the fundamental principle of the grants of the Privy Council. In 1860 we reduced these Minutes to a Code, which, in 1861, we revised. In our Codes, we defined the means by which the Department acted, which were the aiding of voluntary local exertion for the maintenance of schools. Then comes the question which the right hon. Gentleman the Member for North Staffordshire (Mr. Adderley) raises—Do these endowments come under that head? That is what it really comes to. This new arrangement of the Department was not adopted without great consideration and good reason. We were about to trust to local bodies, of whom we knew little, a certain amount of public money to expend, and it was right that we should take all the guarantees in our power. These guarantees were of two kinds. The first was that these bodies should be expending their own money at the same time; and the second was that they should be resident on the spot, and have a personal interest in the expenditure being properly administered. It was for these reasons that the Department aided voluntary local expenditure. Before the Revised Code was adopted all the grants were appropriated, and it was quite clear that endowments were not considered to come under the head of voluntary contributions and local expenditure. That is quite clear from two Minutes—the one relative to the building of schools is Article 26 of the Revised Code of 1860, which declares that where the balance is not covered by the local contributions it may be made up from any other sources, such as the proceeds of endowments. So that these are spoken of as proceeds from other sources than voluntary local contributions. Secondly, in Article 62 of the old Code of 1860 it was said, that the minimum salary of the teacher must be wholly derived either from voluntary contributions or from them and the school fees. That showed that no funds derived from endowment would be considered as voluntary contributions, except during the life of the donor. That was the state in which we found the question. I will now proceed to tell the House the grounds on which we made this Minute. When the appropriated grants were done away we had to reconsider the whole question. The first point that naturally suggested itself after the Revised Code passed was, under what class we should rank endowments. The right hon. Gentleman (Mr. Adderley) said again and again that we ought to have ranked them under the head of local contributions. I have shown from previous Minutes that the authority of the office was opposed to this view, and it would have been an absolute bull to have done otherwise. An endowment is not in the least degree local in its nature. I may bestow a house in New South Wales on my right hon. Friend's school in Staffordshire, and that would be in every sense a good endowment, but not a local one. An endowment may be in Bank Stock or money in the funds. It is something bringing in income which the managers know they have to deal with. Then, again, in what sense can an endowment be called a subscription? The noble Lord the Member for Stamford said it made not the least difference whether a gentleman at his death or during his life settled a sum on a school, or whether that sum was contributed by his son. The same point has been put more forcibly by a periodical which is opposed to our policy on this question, and which asked, "What is the difference between a dead squire and a living squire?" We have high authority for saying that a living dog is better than a dead lion, and I should say the difference is as great between the living and a dead squire. The dead squire may leave his money to the school, but he cannot bequeath his active superintendence, his direction and authority — all which accompany the gift of the living squire. Such a bequest cannot be called a contribution; it cannot be called a subscription. It is the property of the school—that which it possesses—and it carries with it all the incidents of property. One of the incidents and luxuries of property is that a man may be thoroughly idle and yet not get into trouble by it. That is also the case with a school. A school enjoys the property, whether it is managed well or ill. But it does not follow necessarily that it should receive Government assistance. For the purposes of our grant, we had to determine whether we should base it on the principle of life superintendence and energy in the management of the school, or on that of taking money from a dead hand which gives us no guarantee for any effective superintendence. I think there is no doubt we must consider those endowments as not being local contributions. But then we have to consider not what they are not, but what they are. They are property in possession of the school. They have it independently of the Government or of any voluntary contributions. Well, then, we come to consider our new relations to schools. We have to pay money, not strictly appropriated as heretofore, but to the managers for the general purposes of the schools. We have to consider what every discerning person ought to consider in the distribution of charitable and eleemosynary funds—the means of the recipient. We have to examine whether we are giving to a rich or a poor school, to a school relying on the voluntary exertions of those living around it, or having property of its own. We have to do what every relieving officer does. If he has two applicants, and if one has 2*s.* a week from a friendly society or other source, and the other has none, he does not treat the two alike. He does not give the same allowance to both, but he deducts the 2*s.* from the first. That is just what the Government has done. Again, in the case of a debt, if a creditor receives a part of it from any other source the man who owes it does not pay it over again, but pays the difference, and allowance is made for that part which has been discharged. That is the simple, plain principle on which the deduction of the endowment is based. A great deal has been said this evening about the interests of schools; but we have to consider another interest besides that of the managers. The money that the Privy Council has to administer does not drop from the clouds, like the gold of Jupiter into Danae's lap. It is taken from the toil and sweat of the labouring millions of this country, and the Government owe a debt of justice to them, as well as to the managers of schools. Hon. Gentlemen talk as if I only took a pleasure in vexing or annoying people. But they who give must take, and when we take from the working men we take from those who can worse afford to give than the managers can afford to do without it. We are a public department standing between the people and the administration of their funds. It has been predicted to-night that in dealing with this question I shall use violent and strong language. I feel no desire to take up that challenge; but I think it is melancholy to hear hon. Gentlemen contending that, merely because we, under the direction and control of Parliament and exercising the undoubted right of this House, dispense the taxes of the country in such a manner as we think proper—that, if we make deductions from these grants, we are to be told that we confiscate these endowments. What right had the persons who made these endowments to suppose that Parliament would frame its future policy according to their wish? Are we to allow the folly of one age to legislate for the wisdom of all succeeding ages? We tie up for limited periods the estates of our great families, in whom we all feel pride and interest. We allow the claim of these endowments to an eternity of existence and immunity of management. Is not that enough, but that in addition we are not to be allowed to regulate our grants in such a way as to give the Government any advantage from these endowments? Are we bound to ignore their existence? Are we to be compelled to pay to these institutions public money wrung from the people as if these schools possessed no funds at all? I have been asked a question to which I am not bound officially to give an answer, and indeed officially I have no answer to give. I am asked how I can answer to myself for being the means of discouraging the creation of charities for schools for the working classes? There was a time when it was a noble thing to found a school for the working classes. That was a time when the State left those matters to private benevolence entirely, and I think at that time there was no nobler or better occupation than to found a school for the education of the people. But as soon as Government undertook that duty, I cannot conceal from myself that it was better for a school that it should have no endowment at all. It has been insisted over and over again by hon. Gentlemen, that it is impossible to obtain voluntary subscriptions for a school with an endowment, whether large or small. How can we explain that? In this way — that the opinion of people, founded upon long and uniform experience, is that those endowments are ill administered, and that in proportion as their wealth is great their management is bad. Therefore it is—much as we are abused, greatly as our conduct has shaken the confidence of managers, as we are told—people are always ready to come forward and subscribe liberally to schools which receive the assistance of the Privy Council when a shilling cannot be had for schools which are endowed. Knowing, then, the great advantage that these grants should not go to the schools as an absolute certainty—the immense advantage of there being a power of withholding them—I must say, speaking boldly my own individual opinion, that I do not at all desire to see money, as long as things remain in their present state, devoted by will or by deed to the foundation of schools for the children of the working poor. I think the thing could be better done by the Government. I would put another point. Supposing those schools were supported by rates, and that every union was rated to maintain them, is there a union in the world that would act upon the policy which you urge upon the Government? Would it say, "Here are two schools, the one with an endowment of £50 a year, the other with none; let us treat them exactly in the same way?" Is such a thing conceivable? Well, then, is it because we live in London, and deal with larger sums, that we are to be more prodigal? I admit that my right hon. Friend the Member for North Staffordshire (Mr. Adderley) has touched upon some of our principal difficulties. The principle of this Minute is that you ought not to do again that which has been sufficiently done already, nor pay a sum which has been already sufficiently paid. I have heard no one contend that if the school is fully supported by endowments, it should also receive the grant of the Government. But if that be so, with what cogency can it be contended that it would be a proper object of relief when partially endowed, just as much as a school which had no endowment at all? Is not the right principle that, if the school is wholly supported, we should deduct the whole amount of the endowment from the grant; if only partially, that we should deduct the part? If it is urged that this will be hard upon schools with small endowments, the answer is, that if the endowment is small the deduction of the grant is also small; but if the deduction is large, then the endowment is also large, and I maintain that the endowment must go to the relief of the grant. There are three sources from which these schools are ordinarily maintained—first, by the school pence; secondly, by voluntary contributions; and thirdly, by contributions from the Privy Council. If these endowments are not to be considered in the nature of grants already paid to the schools, they must be taken, on the other side, in ease of the contributors. Does anybody think that those who founded these schools meant that the money with which they were endowed should go to the ease of the gentlemen and ladies who charitably contribute to the schools, or to the relief of the general taxpayers of the country? No, they meant it for the benefit of the poor. The question is, who is to be relieved? Is it the body that represents the general taxpayers, or is it the local contributors? Surely the Education Department, which represents the general taxpayers, has as good a right to the easement as the local contributor. Take the case of a school which has no endowment. We are bound, for the purposes of this argument, to believe that what we give to our schools is sufficient. It has been considered sufficient, for it has received the sanction of this House. But if it be sufficient for a school which has not got an endowment, of course it is more sufficient for one that has. The sum given in aid to endowed schools must either displace voluntary contributions, instead of aiding them; or, if it does not, it must give the school a larger income than it ought to have, and encourage extravagance; and the amount of the endowment is the exact measure of the waste. Then there is the case of Scotland, which my right hon. Friend seemed to think showed conclusively that we were wrong, because this Minute does not really apply to Scotland; and, if true to our own principles, we must range the rates paid by the heritors in aid of the endowment. Well, Scotland receives about one-tenth of the educational grant, England about nine-tenths. Of course, therefore, our Minutes are originally framed with reference to the larger country and the larger expenditure, and then we endeavour, as well as we can, to adapt them to the state of society in Scotland. Therefore, if pressed by the argument of my right hon. Friend on this point, I should not feel very much distressed on that account. Scotland contributes to the grant as well as England, and has been always celebrated for her liberality in the cause of education, and, therefore, even if the cases were similar, we need not be ashamed of the way we act towards her.

But the cases are not the same. The real meaning of the tax in Scotland is that public opinion entirely sanctions the principle of the support of schools by the land of each parish, and the real effect of the rate is rather an apportionment than a compulsion; it is more to arrange the contribution to be made by the proprietors of a parish than by way of compulsory payment. It seems, therefore, to be much more analogous to a voluntary rate than to an endowment. But if it be not we cannot help it. We are obliged to have two institutions for the two countries, but we endeavour to make each answer the best we can. We may not be entirely logical, but we act, to the best of our judgment, as the circumstances require. Besides, the Scotch system differs from ordinary endowment in a very important particular; in Scotland there is no founder of parochial schools, except the public. There is a charity which has been referred to, and which seems a very excellent one, in which the founder left a sum of money to be distributed among the schoolmasters of two or three counties, trustees having the power of recalling the grant if they think proper. It is contended that that is not an endowment; but it has every feature of an endowment. There are the trustees and the property to pay the money. It is true the money may be recalled, but that does not alter the nature of the endowment. It is said it is a grant to the schoolmasters, and not to the school. But I cannot understand that distinction, because the grant must be either to carry out the intention of the Privy Council or not. If this grant be for the purpose, not of educating the poor, but of setting the schoolmasters to educate Indian generals or statesmen, that is not a grant in accordance with the views of the Privy Council. But if it be a grant to the school for the purpose of educating the poor, it is really doing the work which we have to do, and to pay the money over again would be to do that which has been done already. These are the observations which I wish to address to the House in vindication of the course which we have taken. It is a matter of no importance to the working of the Education Minutes; but the course has been taken merely from a sense of justice to the taxpayer, that we might not undergo the reproach of paying over again a sum of money which has been already paid. The sum at issue amounts to about £30,000, and it is in the hands of the House to do what it will. It is an item hardly worth notice in our very large expenditure; but I think that hon. Gentlemen who press for a reduction of taxation should look to such matters as this. It is not by objecting to taxes, but by economizing the expenditure that relief may be obtained. The attempts to economize which have been intrusted to the care of the House, and of which the House has had instances to-night in the extracts quoted by the hon. Member for Leeds (Mr. Baines) do not hold out any great expectations of accomplishing our wishes to diminish the burdens of the country.

I come now to the Motion of my right hon. Friend the Member for North Staffordshire (Mr. Adderley). His first Motion (for my right hon. Friend has proposed two), I took up with a great wish, if possible, to agree with it, because if my right hon. Friend in his speech of to-night appears entirely to have forgotten the Revised Code and all about it, I have not forgotten the able, candid, and generous support which he gave me when that support was so much needed. Therefore, had it been in my power to accede to his first proposition, to the effect that no reduction should be made in grants to schools on account of endowments, I would have done so with the greatest satisfaction. That would have prevented the slightest change in this matter of endowments—a matter which no one has defended quite to the full extent; because if the managers of schools had a vested right to have the Minutes of Council continued exactly as they were, in order to have the enjoyment of the endowments assigned them by the founders, no doubt that argument would extend to the hundreds of wealthy schools we have heard of to-night. It therefore seemed to me that that argument proved too much, and it would be quite impossible for me to agree to such a Resolution. No doubt it would have been very agreeable for me to have done so, for I have been so fortunate hitherto as to carry these great changes through the House without a single division of any kind—a fact which, I think, gives them double value, as the expression not of my own opinion, but of the deliberate opinion of the House, formed after hearing argument and debate on the subject. This circumstance is, I think, considering the pressure exerted on all sides with respect to the Revised Code, highly creditable to the House. Therefore, I should have been very unwilling at the end of my task to be obliged to encounter a hostile division, but so long as the Motion remained in its original shape I could not help doing so. But my right hon. Friend has, since his Motion was originally framed, altered the words of the Motion, and it now stands "That grants made from the Treasury to schools for the working classes should not, in every case, be reduced by the whole amount of all endowments." Now, when I look at the terms of the Motion, I must confess, that though the penalty be that of being devoured by the Sphinx that has put the riddle to us, I must answer, *Davus sum, non Œdipus.* As far as I can make out the meaning it appears to me that my right hon. Friend has gone from one extreme to the other; for instead of a Resolution preventing the deduction of any endowment from the grant, he has now laid before the House another Resolution, the terms of which would be satisfied if I deducted all but a single shilling of the endowment. This seems like a Resolution framed in respect to financial matters for the purpose of including all possible things, and I confess I did hope that my right hon. Friend would in his speech have given some guidance as to the meaning of this most remarkable Motion. It seems to me much the same as if a man said to a little boy, "Here is some money for you; go and spend it, not every day nor in all pastrycooks' shops," and I do not know what the little boy would think he was to do. I looked to the right hon. Gentleman's speech for an intimation of the interpretation he himself put upon his Resolution. No doubt the right hon. Gentleman was not sparing in his language—he said, for instance, that the Minute was "a robbery;" but that was, of course, a conventional manner of speaking. I do not complain of it, except in so far as it affords me no information as to the meaning of the Resolution. Then the right hon. Gentleman said that he wishes the grants to be confined to the working classes. Well, I entirely agree with him; but I believe that the Department has already done everything that human ingenuity could suggest for the purpose of confining their grants to the children of the working classes. The right hon. Gentleman then proceeded to admit, that he did not consider that people claiming under an endowment stand in exactly the same position as those who claim on account of voluntary contributions. It is true that in the greater part of his speech my right hon. Friend seemed to hold that they did; but towards the end of his observations he somewhat relaxed the severity of his argument. That is all the light which the remarks of the right hon. Gentleman have thrown upon his Motion. At the same time, I think I have gathered from the course of the debate to-night, that there is a strong feeling in the House that something ought to be done for the poorer classes of schools. In the way we have conducted this matter throughout we have been obliged to concoct our propositions in secret, as the noble Lord said, and then lay them before the House. We are quite aware of the disadvantage of this course of proceeding; but it is our duty not to dictate to the House, but to lay such propositions as we consider best before it, with the view of eliciting public discussion; and by that discussion we have endeavoured to guide ourselves. I have, therefore, no hesitation in saying, that if my right hon. Friend presses it I am willing to accept the Resolution which the right hon. Gentleman has put on the paper. I cannot pretend to say that in accepting it I make any great sacrifice, so far as the words of the Motion are concerned, for I do not exactly know their point; but, at the same time, I do not mean to accept it in any illusory manner. I will endeavour to lay before the Committee of Council on Education some view which may be adopted without abandoning the essential principles of the Minute. I have not gathered from the debate that I am desired to treat these endowments exactly as local contributions. The chief complaint seemed to be that the Committee were dealing with endowments too exclusively as such, without taking collateral circumstances sufficiently into consideration. What it strikes me they should do is this:—I think they might add together the endowment and the grant, and apply to the sum the principle of a maximum. I think that is the principle which they may embody in the Minute, and although it may not satisfy all, it will prove the desire of the Government to meet all reasonable objections. There will be no delay on the subject, for in the course of next week I will lay the altered Minute on the table of the House, and then there will be an opportunity of discussing it, and of ascertaining whether it satisfies the expectations of the House.

MR. GATHORNE HARDY said, he felt the most sincere pity for the two hon.

Members for Leeds and Sheffield (Mr. Baines and Mr. Hadfield), who had addressed on the present occasion such strong language in denunciation of the principle of endowments. It now appeared that though the right hon. Gentleman (Mr. Lowe) was not a convert with respect to old endowments, he was a convert with respect to new ones; and the two hon. Members must have been much surprised at the facility with which the right hon. Gentleman had at last accepted the Resolution of the right hon. Member for North Staffordshire, having at first professed to find it so extremely unintelligible. It really was, however, so explicit, that it traversed in every form the Minute of Council. One thing was clear, that the right hon. Gentleman, in altering the Minute, must bring the change before the House in some shape in which it can be discussed, and that was one object which the right hon. Member for North Staffordshire had in view. The Revised Code was fixed on the principle of results, and yet the right hon. Gentleman had determined to reduce the grants to schools, the efficiency of which was improved by means of the grants added to small endowments, and thus to render them inefficient. The right hon. Gentleman, so far from being in the position of a relieving officer, as he called himself, dealing with destitution, had to deal with schools in which an expensive system had been introduced in compliance with the requirements of the Council. Not destitution, but expenditure was the ground of claim on the Committee of Council. He agreed with the Vice President that it was necessary to do justice to the taxpayers; but it should be remembered that the great body of the taxpayers, if not those who paid the largest amount of taxes, were directly interested in the education system on behalf of their children. The object of the interference of the State was not to assist schools generally, but efficient schools, and the organized inspection of schools was the root of the whole scheme of Government assistance. Without that supervision there would be waste and inefficiency. But by diminishing the grant to these schools by the amount of their endowments, the Vice President would reduce them to the level of the schools not under inspection. It seemed to be supposed by some Members that endowments were counted in the first instance as part of the subscriptions to the schools; but that was not the case. In illustration of the injustice of the deductions directed by the Council he put the case of two schools, one of which received a building grant from Government, say of £1,000, which was tantamount to an endowment of £50 a year, but on account of which no deduction was made; and the other received an endowment of £10 for the schoolmaster, on account of which the grant was diminished. When the House passed the Revised Code, it was on the principle that the grant was to be equalized to the school pence and subscriptions, and the question of endowments never entered the mind of hon. Members. As the right hon. Gentleman had withdrawn the Minute, he would say no more then on that part of the subject. In regard to Minutes generally, however, he wished to point out that rules were issued by the Committee of Council which never came before the House at all, but which seemed to him materially to alter the effect of the regular Minutes. There were supplementary rules, for example, binding schools to comply with a particular standard of education, and thus imposing a condition not laid down in the Minute. Moreover, an explanatory circular had been published in reference to training colleges, which announced, in violation of the arrangement of last year, that no certificated teacher should earn a grant for his college unless he had passed a certain examination before his entrance, which the right hon. Gentleman called a matriculation examination. In that case, results were counted for nothing, and though the training college gave the education which fitted the person trained for his certificate, it received no reward for that expenditure of labour and money. The right hon. Gentleman had promised to lay his new Minute on the table in the course of this week. He (Mr. Gathorne Hardy) hoped the right hon. Gentleman would be very careful in preparing that Minute. He did not know whether the right hon. Gentleman had the authority of his superior officers. He trusted that he would frame that Minute with the full assent and approbation of his superior officers, and that when it was laid on the table of the House it would be the result of their deliberate judgment.

Motion *agreed to.*

Resolved, That Grants made from the Treasury to Schools for the working classes should not, in every case, be reduced by the whole amount of all endowments.

TURNPIKE TRUSTS.—MOTION FOR A SELECT COMMITTEE.

Mr. G. CLIVE moved that a Select Committee be appointed to inquire into the expediency and practicability of abolishing turnpike trusts. He said that the present position of tolls was cumbersome, expensive, and inconvenient, and that it was very desirable to put an end to such a state of things.

Mr. SCOURFIELD said, he should be sorry if the hon. Member interfered with the turnpike trusts in South Wales, which were under a special Act of Parliament, which worked extremely well.

Mr. G. CLIVE said, he wished the inquiry to apply to such turnpike trusts in England and Wales as were not under special Act of Parliament.

Mr. P. W. MARTIN supposed that the remark of the hon. Member applied also to the Isle of Wight, where the turnpike trusts were under a special Act.

Mr. G. CLIVE said, he was aware of the special legislation on the subject, and he should be glad to have hon. Members representing those districts upon the Committee.

Motion *agreed to.*

Select Committee *appointed,*

"To inquire into the expediency and practicability of abolishing Turnpike Trusts."—(*Mr. George Clive.*)

And on April 5, Select Committee *nominated* as follows:—

Mr. Bruce, Colonel Hussey Packe, Mr. Alcock, Mr. Fenwick, Mr. Mildmay, Mr. Wrightson, Lord Henley, Mr. Dodson, Mr. Clive, Colonel Pennant, Colonel Barttelot, Colonel Smyth, Mr. Sclater-Booth, Colonel Stuart (Bedford), Sir James Fergusson, Sir William Jolliffe, Colonel Gilpin, Mr. Walter, Colonel French, Mr. William Leigh, and Mr. Western:—Power to send for persons, papers, and records; Five to be the quorum.

Instruction to the Committee, That they do limit their inquiry to the Turnpike Trusts of England and Wales.

PROTOCOL OF WARSAW AND TREATY OF LONDON.

PAPERS MOVED FOR.

Mr. KINGLAKE moved for an Address for a Copy of Papers dated in the years 1850, 1851, 1852, or 1853, relating to the Protocol of Warsaw, or to the Treaty of London of the 8th day of May, 1852. The object of the Motion was for the production of certain papers relating to the Protocol of Warsaw and the Treaty of London. He was aware that the papers were very voluminous, and that a proper selection would to some extent be necessary, and that something like an understanding had been come to between the Foreign Secretary and the Earl of Malmesbury, with regard to the description of papers which were to be produced. He did not intend to make any complaint with regard to that arrangement, but he hoped it would not be considered altogether conclusive, nor that he was going beyond his province in suggesting to the House the class of papers requisite for its information. When the Treaty of London was disturbing the peace of Europe, it was surely of great importance that they should know, if they could, with whom that treaty originated, who it was that pressed that treaty on the consideration of this country, and above all what arrangements, if any, were made at the time the treaty was signed. Unless he was wrongly informed, he believed the measure which ultimately ripened into the Treaty of London, was brought before the attention of Europe in several Conferences which began in 1850; and it was his belief that when the particulars of those Conferences were produced, they would begin to understand what it was that had so painfully agitated the mind of Germany with reference to the Treaty of London. When they had the Protocol of the 4th of July, 1850, before them, they would see how it was the Germans persevered in rejecting the name of the Treaty of London, and in employing the phrase "to the Protocol of Warsaw." The truth was that when the noble Lord at the head of the Government in 1850 assembled the European Powers to consider the Danish succession, Prussia did not attend the first conference; and though Austria was present she declined for a time to take part in the sanctioning the arrangements then come to. The arrangement was explained in the *annexe,* but it was not mentioned in the Protocol, which mentioned those representatives who were present. The *annexe* described the arrangements which the Powers came to, but to that arrangement no German Power was a party; and that went much towards explaining how it was the Germans were discontented with the Treaty of London, because they found that the Powers of Europe in London assembled, had disposed of the succession of a German Duchy, without the assent, in the first instance, of any of the German Powers. He believed it would also appear from the correspondence what Power it was which, having then a great ascendancy in Europe, before the signature of the treaty forbade any appeal to the German Confederation. They would know how it was that deliberately and in cold blood an appeal to the German Confederation was forbidden by a Power then having a great ascendance in Europe. On a former occasion, when he asked the Under Secretary of State for Foreign Affairs a question in reference to this matter, he mentioned that a Note had been addressed by Baron Brunnow on the 8th of May, 1852, to the Danish Government, and he asked whether that Note had received the acquiescence of the Government, and if not, whether it was the foundation of any correspondence which could be produced. In answer to that question the Under Secretary of State said that, by a reference to the library, it would be found that the Note and its inclosure were communicated to Lord Malmesbury, who was at that time Secretary of State for Foreign Affairs, and that he simply acknowledged its receipt—that no correspondence whatever took place, and that he had none to lay before the House beyond its simple acknowledgment. When the hon. Gentleman made that statement, he must have been entirely ignorant of the existence of the paper which he (Mr. Kinglake) should presently read. The object he had in view in asking the question was to show that, at the time the treaty was signed, a statement of the way in which Russia would understand the Note was addressed by Baron Brunnow to M. de Bille, and that statement was to the effect that the mere acquiescence of M. de Bille would amount to an authoritative acquiescence, and a reduction and cutting down of the treaty itself. What he now feared was, that the matter did not rest, as the hon. Gentleman the Under Secretary for Foreign Affairs supposed, on mere acquiescence. He was enabled to say that there was a Note addressed by Baron Brunnow to M. de Bille, and replied to on the 24th May. M. de Bille, after speaking of Baron Brunnow's Note as one intended to recall the reserves contained in the Protocol of Warsaw of the 5th of June, 1851, the 73rd section of which he set out, continued—

"The above-mentioned Note having in consequence been deposited in the archives of His Majesty the King of Denmark, the undersigned has received orders to apprize M. de Brunnow of that fact. For the rest, he is ordered to declare that it is equally understood on the part of his Government, that the stipulations of the treaty of the 8th of this month neither can nor shall change in anything the nature of the reserves in question, which accordingly will preserve, after the signature of this treaty, the same force and value which they had before the treaty was concluded."

Therefore the House would see that by the force of these two Notes an engagement was entered into between Russia and Denmark cutting down the effect of the treaty. He believed it would also appear that the reply of the Danish Government was not communicated to the other Powers who were parties to the treaty. If that was so the matter would wear a somewhat graver aspect than when he first alluded to it, because in that case the change which was wrought in the treaty would be a change wrought without the cognizance of the other Powers who were parties to it. He argued before that, as a matter of inference, the House would have a right to draw its conclusion from the mere acquiescence of Denmark. That which he before called upon the House to infer he was now able to assert, and he had proved his assertion by reading the Note to the House. He now begged to move for the papers to which he had referred; and to ask the hon. Gentleman the Under Secretary for Foreign Affairs, whether the Note which he had read was in fact addressed by M. de Bille to Baron Brunnow, and whether it was communicated to Her Majesty's Government?

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of Papers dated in the years 1850, 1851, 1852, or 1853, relating to the Protocol of Warsaw, or to the Treaty of London of the 8th day of May 1852."—(*Mr. Kinglake.*)

MR. LAYARD said, that the papers for which his hon. Friend had moved would be produced. The correspondence upon Danish affairs during the four years mentioned was exceedingly voluminous, but he hoped that he should be able to lay upon the table of the House all that part which related to the transaction to which his hon. Friend had alluded. He must remind him that when, in speaking of the Treaty of London, he stated that the Germans had some right to call that treaty a protocol, he mixed together two different instruments. The Protocol of London was a distinct instrument from the treaty. The treaty was a solemn treaty entered into between the Great Powers of Europe, and afterwards communicated to the small German Powers, whose adhesion was invited to it. Some of them did accede; others did not. A list of those who did and those who did not had already been given to the House. Therefore, it was incorrect to call that which was a solemn treaty by any other name than that of a treaty. The reply of M. de Bille to Baron Brunnow was not in the official possession of Her Majesty's Government. When his hon. Friend asked him the other night if there was any correspondence upon the subject, he, of course, concluded that he meant any correspondence between Her Majesty's Government, the Russian Ambassador, and the Danish Minister. There was no correspondence except the simple acknowledgment of the Note of Baron Brunnow, which was communicated to Her Majesty's Government. The reply of the Danish Minister was never communicated. He found that that reply had been published in a collection of documents at Copenhagen. He had inquired whether the Note so published was an authentic document. He was assured that it was; and although it was somewhat irregular to lay upon the table a document not officially communicated to Her Majesty's Government, yet, under the peculiar circumstances of this case, with the sanction of the Danish Government, he had no objection to include that document among the papers which would be presented to the House.

Motion, by leave, *withdrawn.*

SCHOOLS OF ART.

Select Committee *appointed,*

"To inquire into the constitution and working, and into the success, of the Schools of Art wholly or partially supported by Government Grants, or otherwise assisted by the Government, and into the system upon which the sums granted by Parliament for the promotion of National Education in Art are distributed and administered."—(*Sir Stafford Northcote.*)

And on March 16, Committee *nominated,* as follows:—

Sir Stafford Northcote, Mr. Lowe, Mr. Adderley, Mr. Edward Egerton, Mr. Tite, Mr. William Ewart, Mr. Bazley, Mr. Trefusis, Mr. Cave, Mr. Maguire, Mr. Gregson, Mr. Arthur Mills, Mr. Crum Ewing, and Mr. Potter:—Power to send for persons, papers, and records; five to be the quorum.

COURT OF JUSTICIARY (SCOTLAND) BILL—[Bill 31.]—COMMITTEE.

Order for Committee read.

Mr. Layard

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir William Dunbar.*)

Mr. W. LESLIE objected to going into Committee upon the Bill in the absence of the Lord Advocate, and without any explanation of its objects.

Sir WILLIAM DUNBAR said, that the object of the Bill was to remove a doubt which existed as to the power to hold a circuit court for the trial of prisoners at Dundee.

Sir JOHN OGILVY hoped that the hon. Gentleman would allow the House to go into Committee.

The House *divided*:—Ayes 84; Noes 49: Majority 35.

Bill *considered* in Committee.

Sir JOHN HAY hoped that the hon. Member for the Wigton Burghs would redeem his pledge not to go on with the Bill in the absence of the Lord Advocate. He moved that the Chairman do report Progress.

Motion *agreed to.*

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

House adjourned at a quarter
before Twelve o'clock.

* * *

HOUSE OF COMMONS,

Wednesday, March 9, 1864.

MINUTES.]—Select Committee — Lisburn Election Petition, *nominated* (*List of Committee*); Berwick-upon-Tweed Election Petition, *nominated* (*List of Committee*); on Poor Relief, Mr. Ayrton *added*; on Taxation (Ireland), Mr. Hankey *added.*

Public Bills—*Second Reading*—Trespass (Ireland) [Bill 13]; Weights and Measures (Metric System) [Bill 24]; Cattle Diseases Prevention [Bill 27]; Cattle, &c. Importation [Bill 28].

Select Committee—On Chain Cables and Anchors* *nominated* (*List of Committee*, p. 1363.)

Third Reading — Land Drainage (Provisional Orders)* [Bill 25].

Withdrawn — Watching of Towns (Ireland) [Bill 22].

LISBURN ELECTION PETITION.

SELECT COMMITTEE.

Sir William Miles *reported* from the General Committee of Elections, the names of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the Borough of Lisburn : — WILLIAM EDWARD FORSTER, esquire ; FREDERICK NORTH, esquire (Hastings) ; HENRY PAULL, esquire ; WILLIAM STIRLING, esquire ; HUGH EDWARD ADAIR, esquire, Chairman.

BERWICK-UPON-TWEED ELECTION PETITION.—SELECT COMMITTEE.

Sir WILLIAM MILES *reported* from the General Committee of Elections, the names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of Berwick-upon-Tweed : — The Honourable F. LEVESON GOWER ; WILLIAM POLLARD-URQUHART, esquire ; JAMES BANKS STANHOPE, esquire ; CHARLES TURNER, esquire (Lancashire); ROBERT LONGFIELD, esquire, Chairman.

Report to lie upon the Table.

TRESPASS IRELAND BILL—[BILL 13.]

SECOND READING.

Order for Second Reading read.

MR. W. R. ORMSBY GORE, in moving the second reading of the Bill, said, it was a Bill to amend the law in certain cases relative to the recovery of penalties for trespass on lands in Ireland in pursuit of game, and to prevent the necessity of the occupiers of land not interested in such game being made party prosecutors in proceedings for the recovery of such penalties. The object of the measure was to assimilate the law of Ireland in this respect to that which had existed in England since the Act of 1831, and which had been found to work very well. According to the law of England it was not necessary to obtain the consent of the tenant to proceedings in cases of trespass. In Ireland, on the other hand, the tenant was in this unfortunate predicament, that he must either risk the displeasure of his landlord in refusing to lend his name to a prosecution, or incur the enmity of some ruffian who would be revenged if the tenant appeared against him. All the Bill sought to do was to oblige the landlord, where he had the right of game, to make use of his own name in a prosecution instead of that of the tenant. As the law stood at present, it was very inoperative. For instance, on mountain land, where tenants had the right of grazing cattle, when a prosecution for trespass became necessary, every such tenant's name must be put in the prosecution, and perhaps there might be forty or fifty of them, and the omission of a single name would vitiate the prosecution. He had had a number of letters from Ireland approving of the principle of the Bill, and there could be no doubt that it would relieve the tenant very considerably.

Moved, "That the Bill be now read a second time."—(*Mr. W. R. O. Gore.*)

SIR ROBERT PEEL said, he did not object to the second reading of the Bill, but on several points it required amendment. It did not give the right of appeal which was given in the English Act, and the second clause was not sufficiently clearly drawn. If there was no agreement with the tenant in writing, the right of preserving game would not hold good ; and he thought the probable effect of the Bill would be to induce landlords to enter into such agreements in order that they might have the right of sporting over their estates. He would be glad to assist his hon. Friend in carrying the Bill through.

Bill read 2°, and *committed* for *Wednesday,* 13th April.

WATCHING OF TOWNS (IRELAND) BILL. [BILL 22.] SECOND READING.

BILL WITHDRAWN.

Order for Second Reading read.

SIR HERVEY BRUCE, in moving the second reading of the Bill, said, that its object was to amend the 17 & 18 *Vict.* c. 103, entitled "An Act to make better Provision for the paving, lighting, draining, cleansing, supplying with water, and Regulation of Towns in Ireland," and which, among other things, enabled the Lord Lieutenant to increase the constabulary force stationed in any town to act as watchmen by night, and on special occasions by day. This provision having been frequently found inoperative in consequence of the expense, which was thereby thrown on the particular town, the present measure had been introduced to remedy the evil. For this purpose it gave the Lord Lieutenant the power to increase the police force of any town on the application of the town commissioners ; and the town commissioners were only to appoint in case the Lord Lieutenant should decline to exercise his power. The Bill was necessary on account of the failure of the police to do their duty in Ireland. This was the opinion of the greater part of the magistracy in Ireland, and it received some corroboration from the charges of the Judges of assize. Mr. Justice Christian had recently pointed out that the perpetrators of forty-nine offences of a criminal character went undetected, with one exception. The causes must be found, the learned Judge suggested, either in the unwillingness of the injured person to assist in the discovery of the offenders, or a deficiency of skill and energy on the part of the constabulary, arising probably from their too high military organization. Mr. Justice Keogh made similar remarks, and pointed out, that although cases of sending threatening letters abounded no one had been made amenable. Mr. Justice Fitzgerald, at the Cavan Assizes, drew attention to the fact that thirty criminal offences had been committed for which no one had been brought to justice. The fact was that the magistracy of Ireland were not backed by the police as they used to be, owing to the growing desire of the police to isolate themselves to a great extent from the local authorities of the land. No doubt the police were a respectable body of men; but the distinguished officers at the head of the Irish Constabulary had, he thought, mistaken the functions on which that great force was organized. He could understand the desire of the Secretary for Ireland to protect this magnificent production of his father, which was unequalled for efficiency when it was established. It would be all the more efficient now if Sir Henry Brownrigg would consult a little more the magistracy of the country. The Irish Constabulary cost the country about £750,000, and very little good was obtained for that great expenditure. The night-watching of towns was certainly not one of the objects obtained. In Clonmel the inhabitants paid for night-watching out of their private pockets. Last year, the town commissioners of Coleraine found it impossible to have their town watched under the Act 9 *Geo.* IV. They took the opinion of Mr. Brewster, who said that the 17 & 18 *Vict.* did away with the powers they possessed under the 9 *Geo.* IV. On the 10th of August the town commissioners wrote to Dublin Castle, and, in reply, were acquainted with the charge for supplying them with head constables and police. They were also informed that the Government declined to pay any portion of the charge for night-watching from the Consolidated Fund. The town commissioners asked for three policemen to watch the town of Coleraine by night; but the Inspector General of Constabulary declared that the number was inadequate to provide for the due alternation of night duty and rest, and the least number of men that could be sent was one head constable and ten sub-constables. The expense of such a body would be £600 per annum, while the whole amount of rates which the town commissioners were entitled to levy did not exceed £450. The population of Coleraine was only 6,208. In the county of Derry there was a population of 184,000, and 155 police were considered sufficient, and yet in a peaceable town like Coleraine it was gravely stated that there ought to be eleven additional constables. The most important clause in the Bill which the hon. Member for Clonmel (Mr. Bagwell) had introduced last year was the fourth, by which it was provided that the Lord Lieutenant, on the application of the town commissioners, should appoint a sufficient number of able watchmen. The principal provisions of the Bill were, that it should be lawful for the Lord Lieutenant, or other chief Governor of Ireland, upon the application of the town commissioners, to increase the constabulary force to act as watchmen in the town; but if, after three months from the time of such application, the Lord Lieutenant or other chief Governor did not provide such force, that it should be lawful for the town commissioners themselves to appoint a sufficient number of watchmen to do the duty. The expenses were to be paid by the Commissioners out of the general assessment authorized by the Act of 1854. He trusted the Chief Secretary would advise Sir Henry Brownrigg to accept the compromise contained in the Bill, and he now begged to move its second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Hervey Bruce.*)

SIR ROBERT PEEL said, he could not allow the Bill to be read a second time without some remarks. The hon. Baronet, in proposing the second reading of the Bill, had gone out of his way to quote the charges of Judges Christian, Keogh, and Fitzgerald at the recent assizes. It was perfectly true that these Judges had been disporting themselves lately in attacking the constabulary, the country gentlemen, and the magistracy ["No, no!"]; but he thought the observations they had made were unjustifiable and uncalled for. Judge Christian had distinctly referred to laxity on the part of the magistrates, if not lately, at the summer assizes of 1863, and to their carelessness in the protection of life and property. In the great majority of cases, however, to which Judge Christian referred as instances in which the guilty were not made amenable to justice, the persons injured declined to come forward to prosecute; and how, then, were the police or the magistrates to blame? How could they compel people to prosecute against their will? His hon. Friend had referred to Sir Henry Brownrigg and the military organization of the police force. But if the force were less military, that would not induce persons to come forward to prosecute. He (Sir Robert Peel) could not allow any Judge, no matter whether Judge Christian or Judge Keogh, to go out of his way to insult the country gentlemen, without stating that the police and the magistracy did pull to a very great extent together, and were on terms which did tend to the prevention of crime; nor was it possible to have a force better adapted to the wants of the country than the Irish constabulary. The hon. Baronet had attacked the constabulary, and said that he brought in this Bill because they were inefficient. But he (Sir Robert Peel) thought it was not possible to conceive a more retrograde piece of legislation than that which the Bill would enact. The hon. Baronet wanted to have two forces in the towns which were under the Act of 1854—on the one side those old "Charlies," ill-paid, ill-conditioned, and inefficient, who would go prowling about the streets, not only by night, but in the day time; and on the other the constabulary; and the result would be the peace of the town would be rather disturbed than protected. The Bill of the hon. Member for Clonmel (Mr. Bagwell) was last year rejected by the House; his noble Friend opposite (Lord Naas) moved its rejection, and now the hon. Baronet tried a similar measure. He (Sir Robert Peel) was perfectly aware that at first he did give encouragement to the hon. Member for Clonmel; but upon further information he gave notice that he could not support the Bill; he believed it objectionable, and he believed the present measure objectionable also. It was perfectly true that the town commissioners of Coleraine applied to the Lord Lieutenant for an increased police force; but they asked for only three additional men. But it could not but be obvious that three men could not watch a town so large as Coleraine. The people of Dundalk applied for fourteen men, and they got them; and when Sir Henry Brownrigg proposed that ten men should be sent to Coleraine, he did not propose more than was actually necessary. But why was Coleraine in such a dreadful state of vice and immorality that it required this additional assistance? Cork, Galway, or Waterford did not want "Charlies" to run their heads into every mischief. [Sir HERVEY BRUCE said, he had not stated that vice or immorality prevailed in Coleraine.] Why, then, ask the town to contribute some £200 additional for the support of those men? If Cork, Waterford, and Galway were satisfied with the protection they had at present, why should not Coleraine be? It would be quite evident to any hon. Gentleman who had read the Bill, that it could not become law. Even his hon. and gallant Friend (Colonel Dunne), who took an interest in everything which affected the country gentlemen in Ireland, could never give his assent to Clause 6. It was not only at night time, but even during the day that they would have those ill-conditioned, ill-paid, drunken old "Charlies" promenading the town. ["No!"] They would be ill-paid because the town rates could not afford to pay them well. If they took £200 out of the rates for the pay of those men, it would leave only about £300 for putting up clocks and other improvements in Coleraine. Was it possible, then, that the House of Commons could consent to that retrograde piece of legislation? He must beg, in the name of the Lord Lieutenant, to take exception to Clause 5. By that clause it was provided that, if the Lord Lieutenant should not, within three months, have sent down constabulary at the desire of the Town Commissioners, then his authority was to be passed over, and those Commissioners were to appoint for themselves. Nothing could be more objectionable. The last paragraph of Clause 4 contained the words, "The salaries and wages shall in no case exceed half the rates which the said Commissioners are authorized to levy." He did not know whether it was the Town Commissioners of Coleraine that drew up the Bill, but what was the meaning of half the rates they were authorized to levy? To levy where? Was it in the town? Was it annually? Suppose the Lord Lieutenant were to send down five additional constables, and if four would cost £180 or £200, five would cost about £250. But if that sum were more than half the rates which the Commissioners were entitled to raise, who was to pay the remainder? The Government would not, and he supposed his hon. Friend would not. It was evident the Bill had been most carelessly drawn, and it was one which he hoped his hon. Friend would not press to a division. Whenever he (Sir Robert Peel) heard of a case in which the constabulary appeared not to have acted respectfully towards the magistracy, he made it a rule to bring it under the notice of the Inspector General, and to ask for an inquiry. If his hon. Friends would only leave matters as they were—for they had got one of the finest police forces in the world, and it was not their fault if persons would not come forward to prosecute — they would find that Judges Christian, Keogh, and Fitzgerald would have every year reason to congratulate the country on the improved state of affairs.

LORD NAAS said, while he partly concurred with the Chief Secretary in his objections to the provisions of the Bill, he regretted that the right hon. Baronet held out no hopes of a remedy for the great grievance complained of. Nobody was more ready to admit the great services of the constabulary, but that should not prevent him from expressing an opinion that some slight alterations in the organization of the force would greatly improve its efficiency. Any considerable change in the organization of the body would be a serious evil, but it might in many ways be made more efficient. The case complained of was very simple. His hon. Friend (Sir Hervey Bruce) complained that in the town he represented the constabulary, acting under the orders of the Government, refused to perform the duties of watchmen, But the right hon. Baronet did not touch that point, nor attempt to show that the constabulary performed such duties. On the contrary, he (Lord Naas) believed they had refused over and over again to do so, and the Commissioners of Police had declared they could not. The town of Coleraine was a very small as well as a very quiet place; he could testify to that, because he had represented it for six years, and was it to be supposed that with thirteen men in the town and district they could not be properly watched? One man kept up at night to patrol the streets would be sufficient, so that out of eleven men one would have to be up only one night in the ten. But the commissioners of the town were ready to pay for three or four men, and then they were told the duties could not be performed unless they received eleven men more, which would cost them a considerable sum. He believed the men were perfectly willing to do the duty, but the authorities in the force had set their faces against it. He hoped the right hon. Gentleman would take the matter into his consideration. When he (Lord Naas) was Chief Secretary the thing was partly done, and gave great satisfaction. He had listened with considerable regret to the remarks of the right hon. Gentleman upon the charges of the Judges. The right hon. Gentleman was entirely in error when he stated that Judge Christian had made any attack upon the magistracy. Nothing of the kind. He had got a copy of the charge in his hand, and the only allusion it made to the magistrates was in this single sentence at the end:—"It is for you (the grand jury) and for the magistrates to consider this subject, and to discover a remedy." And when a gentleman holding the position which Judge Christian occupied felt it his duty to make so alarming a statement as that a very small proportion only of the crime committed was followed by detection, the right hon. Baronet was not justified in saying that Judge Christian and the other Judges whom he named had been "disporting themselves" in the country, and making attacks upon the magistrates and the police. He (Lord Naas) was not in favour of establishing a spy system among the police; but the rules about the police not going out without reporting themselves, or wearing plain clothes, which applied exclusively to a military force, were of too stringent a character in regard to a police force, and it would not be considered by those who were most interested in the detection of crime, that these were the best means of setting about it. The right hon. Gentleman might be sure that all the dissatisfaction which existed in Ireland on this subject would not soon subside, and unless something was done, an attempt would be made before long to bring the whole question of the organization and constitution of the Irish constabulary under the notice of the House; and if a Committee in any ways might be found by which the exertions of the constabulary might be rendered far more effective for the public safety. He hoped these remarks would not be construed into any attack upon the constabulary—they were an excellent force, and under most trying circumstances had done their duty; but some alteration in their constitution was necessary to adapt them to the wants of the country. With regard to the remark that people were unwilling to prosecute, he had one observation to make. The Crown undertook the prosecution of every kind of offence in Ireland, and in the present state of things with great advantage to the country, and therefore if there was any indisposition on the part of persons to prosecute that was not so much matter, as the business was taken up in every instance by the authorities themselves. He hoped the right hon. Baronet would consider this important question. He believed that the right hon. Baronet would find little difficulty in making the rules and regulations regarding the police a little more elastic, and consequently much more acceptable to that body, as well as to the public generally.

MR. HERBERT said, he concurred generally in the views expressed by the right hon. Baronet the Chief Secretary, in regard to this Bill, and if there were a division he should certainly go into the same lobby with him. It was, therefore, by no means in the spirit of hostility to his right hon. Friend that he wished to say a few words in reference to some expressions which fell from him in regard to three eminent Judges in Ireland. He thought, considering that those expressions had fallen from a gentleman holding so high and important a position as his right hon. Friend, that they would be misconstrued, and that they would therefore do much injury in Ireland. In his zeal to defend a force of which his right hon. Friend was supposed to be a great favourite—[Sir ROBERT PEEL: No, no—not particularly so]—well, the force was one which was a favourite of his (Mr. Herbert's), and he believed of Irish gentlemen generally, being one of the finest bodies of men in the world. But his right hon. Friend, in his zeal for the defence of that force, had used expressions towards those three Judges which he was certain, upon reflection, he would regret. Having read the charges alluded to of those Judges, he (Mr. Herbert) confessed he did not see anything in them which could fairly be construed either into an attack upon the police or the magistracy of Ireland. They were only doing their duty when they alluded to defects which many persons believed to exist in the police force. That opinion prevailed very generally among the grand juries, and he thought that the grand jurors, to whom those charges were addressed, instead of feeling insulted by them, were glad to hear their own opinions concurred in by the Bench. He had the pleasure of knowing Judge Christian, as well as the other two Judges alluded to, and had witnessed the ability with which they had discharged their onerous duties. He was convinced that they were incapable of saying anything that could be construed into an insult to the police or any other body of functionaries. They all knew how desirable it was that nothing calculated to throw discredit upon the Executive power in Ireland should come from any person in authority. His object in rising was simply to afford his right hon. Friend an opportunity of somewhat modifying his language, as he was certain that the right hon. Baronet never intended to say anything that could be considered disrespectful to those Judges. They were men of the highest character and honour, and who performed their duties in a manner to give general satisfaction to all parties. He wished especially to speak of Mr. Justice Fitzgerald, who was for some time his (Mr. Herbert's) colleague in the government of Ireland. He believed that that learned gentleman was one of the ablest and most temperate Judges that ever sat upon the Irish Bench. He therefore hoped that his right hon. Friend would so qualify his words as to take from them the sting which they certainly conveyed.

SIR ROBERT PEEL wished to explain that in the observations which had just fallen from him, he did not mean to blame the Judges for any remarks they might think it necessary to make. He did not stand there as the champion of the Irish police, but as the advocate of law and order; and when he saw Mr. Justice Christian and the other Judges in their judicial capacity attacking not only the constabulary but the county magistracy for what, he believed, was no fault of theirs, he must say he thought that they were going out of their way altogether. With reference to the remarks of Judge Christian the other day on the cases brought under his notice, in no less than thirty of them parties had refused to come forward to prosecute. When the majority of the cases of failure of justice resulted from persons not coming forward to prosecute, he did not think the Judge was justified in the remarks which he had made.

SIR FREDERICK HEYGATE said, he was glad to find that the county which he had the honour to represent (Londonderry) deserved some praise. Coleraine was no doubt a very orderly place, and had ever been distinguished by the ability and eminence of its representatives, even up to the present time. But he thought it a hard case when a grievance undoubtedly existed, and the town commissioners, who had to look after the peace of the town, asked for additional facilities, that no attention should be paid to them by the Government. Coleraine had an important railway station, and every one knew what an amount of confusion and disorder arose upon the arrival of trains. Now, the complaint was, that the few police who were stationed there, acted more like independent lookers on, and like persons who took pleasure in seeing the arrivals and departures. Large cities like Londonderry and Belfast had police of their own; the grievance complained of therefore did not so much apply to those places. But it was very hard indeed, not to have extra police in places where they were absolutely required, and at a moderate expense. He was sure that his hon. Friend the Member for Coleraine (Sir Hervey Bruce) had no wish to take this matter out of the hands of the Government, nor had he any particular desire for what the right hon. Baronet designated the "Charlies." The Bill especially provided that the extra police were to be appointed by the Lord Lieutenant, and should be considered as a portion of the constabulary of Ireland. It rested with the Government by altering the rules and regulations of the Irish police, which he believed was the best course to take, to render the body more efficient and more acceptable to the public generally. He had not the least objection to introduce in Committee any alteration that might be thought desirable, and was quite ready to agree to what was just and reasonable on the subject.

Mr. GEORGE said, that if the explanations of the right hon. Baronet (Sir Robert Peel) had been anything more than a reiteration of the imputations which he had cast upon three of the Irish Judges, he (Mr. George) should have shrunk from renewing a topic which must be painful even to the right hon. Baronet. But as a member of that honourable profession over which those learned Judges presided, he should be ashamed to sit still when he heard a Gentleman holding so high and important a position in the Irish Executive as the right hon. Gentleman, saying that those Judges had been "disporting themselves" whilst discharging one of the most important duties belonging to their office. The charge of the right hon. Gentleman was levelled, too, against three of the highest judicial functionaries of the land. He thanked God that the Judges of Her Majesty's courts of common law were independent of every Government; that they were independent of that censure which the right hon. Baronet had thought it becoming his position to cast upon them. When he recollected the eminent individuals against whom this attack was levelled, he could not avoid saying, that he believed that it came with a less grace in reference to them than to any others. He had been on intimate terms with Mr. Justice Christian, Mr. Justice Fitzgerald, and Mr. Justice Keogh, having been associated with them during many years of his legal life; and whether he considered their conduct whilst at the bar or upon the bench, he believed them to be in every way undeserving of the smallest censure or reproach. He felt he was, at all events, as qualified as the right hon. Baronet to say whether those eminent and distinguished functionaries were at all likely, in the solemn discharge of their duties as Her Majesty's Judges, to "disport themselves," as the right hon. Baronet elegantly expressed it, before any tribunal they were constitutionally addressing. But the right hon. Baronet, in his desire to divert the attention of the House from the charges that had been made against the constabulary by the three learned Judges alluded to, and also by hon. Members in the course of the debate, had misrepresented or misquoted Judge Christian's charge to the grand jury. The learned Judges were bound to call attention to the state of crime as shown in the calendar; and it had been the universal practice in Ireland for the learned Judges to refer at the same time to the amount of undetected crime exhibited by the Constabulary Returns. Mr. Justice Christian, in his charge to the grand jury of Roscommon, after recapitulating the eighty-seven offences that appeared to have been committed in that county, stated that not more than one-half of the prisoners charged had been even attempted to be brought to justice; and this he attributed to two causes—first, probably from a disinclination on the part of the parties to prosecute; and secondly, from intimidation. The former the learned Judge stated "he thought was a subject well worthy of the consideration of the magistrates and the grand jury, because the constabulary, which in other respects was a very effective body, was deficient in energy and zeal in that part of their duty which had reference to the detection of offenders—a duty which he thought was not very popular in the force, particularly in the higher grades, resulting from the high military training of the body." The learned Judge added — and this part of his charge had been misunderstood by the right hon. Baronet—"that it was the duty of the magistracy and the grand jury to consider the subject, and discover, if possible, a remedy, because they were in a certain degree accountable for the peace of their respective counties." He (Mr. George) denied that the learned Judge, in the remarks made by him, meant to impute to the grand jury or to the magistracy that they had failed in their part of public duty; but that he had merely held out to them, as he was bound to do, that they were responsible for the peace of the county, and that one of the chief modes by which they could do it was by seeing that the constabulary discharged those duties for which they were originally appointed, and not merely by the attainment of that high military character which their training had given to them. When a learned Judge found that out of eight-seven persons charged with crime, forty only had been made amenable to justice, he was only discharging his duty in calling the attention of the grand jury to that circumstance.

COLONEL DUNNE said, the right hon. Baronet (Sir Robert Peel) had rightly interpreted his feelings with regard to this measure, and he certainly would vote against it yet. It was but right that when three-quarters of a million of money was collected from the people for the support of the constabulary, that places like Coleraine should be protected without additional cost; and he conceived that the constabulary were bound to perform that duty themselves. The conduct of the constabulary, scattered about as it was in small parties all over the country, was most exemplary; but it was not only the opinion of the Judges and the magistrates that they were not a good detective force, but the men were of the same opinion. They were not merely willing to become a good detective force, but they regretted they had not the power of becoming so. They had been formed for a double purpose—that of detecting crime, and a kind of military army of occupation. They were efficient as a military body, but that was inconsistent with their being an efficient detective body for the repression of crime. And how could it be otherwise? They were kept under stricter discipline than was adopted in the army, for they could not leave the barracks without the permission of the constable who was in command, neither could they put on plain clothes or mix with the people, and become familiar with what was going on. No one knew less of the doings of the people than the constabulary; but it was the system, and not the men, which ought to be blamed for it. From his experience as a magistrate, he had obtained more information as to the state of the country from civilians than from the constabulary, yet the constabulary were always anxious to give every assistance he required. He complained that the Government did not support the magistrates as they ought to do. It was not until about twelve months ago that the regulations for the force were given to the magistrates. That was a step in the right direction, and he hoped the Government would go a step farther. At present, all communications about the peace of the county were made to the stipendiary magistrates, instead of to the justices of the peace. It was stated as a fact, that Government had lately, in a northern county, made an appointment of a high sheriff so objectionable, that the whole of the magistracy, and even the Lord Lieutenant, had objected, but in vain. The privileged communications of justices of the peace to the Government, relative to the police, had lately, in the case of Lord Leitrim, actually been handed over to them on which to found actions for libel, though it had ended in the signal defeat of the Government. These were circumstances not likely to increase the confidence of the justices in the conduct of the Government; and the Government would find it much more to their advantage, and the result would be far more beneficial to the country, if they would communicate with the local magistrates, instead of the stipendiaries, with reference to the peace of the counties.

MR. BRADY thought some of the clauses of the Bill exceedingly objectionable, and such as would never be permitted to be passed in reference to England. The discussion had been entirely confined to the magistrates and constabulary, but nothing had been said about the merits of the Bill, and the poor taxpayers had been ignored altogether. Any one who had heard the discussion which had taken place might suppose that crime was rampant in Ireland, and he therefore wished to mention that, within the last month, Judge Christian stated to the grand jury of Leitrim that, taking into consideration the great distress and privations which the people had undergone within the last three years, there was no portion of Europe where so little crime prevailed as in Ireland. He hoped that the House would not allow the Bill to pass, and he moved, as an Amendment, that the Bill be read a second time that day six months.

COLONEL WHITE seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Brady*).

Question proposed, "That the word 'now' stand part of the Question."

CAPTAIN ARCHDALL said, he gave the right hon. Baronet (Sir Robert Peel) every credit for the honesty and earnestness of his opinions with regard to the efficiency of the constabulary, but he thought the right hon. Baronet might make it more efficient in one respect. The operations of the new Poaching Act had been beneficial in England, but from the open manner in which poaching was carried on in Ireland, he was doubtful if the police of Ireland had not received some instructions with regard to it which rendered its operation ineffective in that country. He thought that with respect to some parts of the Act, such as that which related to the sale of game, the right hon. Baronet might interfere, in order that the Act should be more efficiently carried out. He thought also that the police might be employed to see that no one should shoot without a licence.

COLONEL VANDELEUR had always found that the police, when supported by the magistrates, acted with great determination; but when no information was given to them, of course they could not be blamed if offenders remained undiscovered. His own county was never in a more peaceable state. Very little crime remained undetected, thanks to the efficiency of the magistrates, who generally supported the police. With regard to this Bill, a very little change in the regulations of the police would do away with the necessity for it. The police, by their regulations, watch till twelve o'clock, when the public-houses were closed. If after the public-houses were closed, two persons were appointed to patrol, the necessity for this Bill would cease. It might safely be withdrawn if the Government acted on the suggestion he had made.

MR. W. R. ORMSBY GORE concurred in what the hon. Gentleman had said as to the police of Ireland. It had lately been the fashion to find fault with them in regard to the detection of crime; but as far as his own experience went, he had always found them active and efficient, often under difficult circumstances. It would be most dangerous to alter the organization of the force. They had to deal with offenders among the classes from which they themselves sprang, and if they were allowed to mix too much with the people, they would retain the prejudices of the classes to which they originally belonged. An improvement might be made in the mode in which they were armed. They had a rifle, which they were not allowed to use, and a long sword, which, when they attempted to run, got between their legs and upset them. Of course, they had to keep hold of the hilt. The consequence was, that they could not overtake any one but a cripple, or if they did, they had only one hand available for seizing him.

MR. SULLIVAN observed, that the town which he represented (Kilkenny) did not require any additional police force, and he returned thanks to the Chief Secretary for Ireland for the manly manner in which he came forward to protect the rights and interests of that community. With regard to the police force, he must say that he could not understand why such continuous attacks were made on it. He believed that a more respectable force did not exist throughout the world. On his own part and on that of his constituents he repudiated the present Bill.

SIR HERVEY BRUCE, in reply, said, that it was a mistake to suppose that, in introducing the Bill, he wished to attack the Irish police, for he had mentioned that, individually and collectively, they were as efficient as when the late Sir Robert Peel instituted that splendid force; but he added that, owing to some rules and regulations, they were not so well able to perform the duties of police as those of a regular army. He had not the least intention of saying anything against so fine a body of men. He must take exception to what the right hon. Baronet had stated when he asserted that he (Sir Hervey Bruce) had represented the town for which he was Member to be in so demoralized a state as to require a large additional police force. The Commissioners had asked for only three men; it was the Government who said they could not do with fewer than eleven. He knew that in past times three "Charlies" or watchmen were quite sufficient force to carry out the wishes of the Commissioners. After the statement which had been made by the right hon. Gentleman, he would, with the permission of the House, withdraw the Bill; but he trusted that the right hon. Gentleman would lay on the table the instructions which had been issued respecting the watching of towns, so that the House might be able to ascertain what those instructions were.

Amendment, and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

WEIGHTS AND MEASURES (METRIC SYSTEM) BILL.—[Bill 24.]

SECOND READING.

Order for Second Reading read.

Mr. W. EWART, in rising to move the second reading of this Bill, said, that its object was to render permissive the use of the Metric System of Weights and Measures. He would not repeat what he stated last year as to the advantage the adoption of that system would lead to in an international point of view. The Bill which he introduced last year was based on the unanimous Report of a Committee, except only that it was, prospectively, compulsory. The present measure was permissive. He would now confine his observations to three points—namely, to the aspect of the question at the close of the debate last year, to what had occurred since respecting it, and to the measure he now proposed. Last year it was the opinion of the Government and of the House that the Bill which he had introduced (though carried by a majority) should be withdrawn, and that a permissive measure should be brought in instead. He would next proceed to show what had occurred respecting the question in the interval between the last and the present Session. An important congress at Berlin had come to an unanimous resolution in favour of the metric system; and Sir William Armstrong, in his introductory speech at the British Association in Newcastle, had strongly recommended its adoption. A Committee of the Chambers of Commerce which met a few days ago had adopted resolutions in its favour of the metric system, on the ground both of its utility and of its adoption by the majority of civilized nations. There was a universal agreement among all the foreign witnesses who appeared before the Committee as to the advantage of the system, and it appeared that no foreign nation which had allowed it to be introduced, had ever allowed it to be withdrawn. Last year he had alluded to Spain, Portugal, and other foreign countries in which it had been adopted and worked well; but there was another country which in the names and characters of its weights and measures much resembled England. He meant Holland. He had therefore been anxious to know what the result of the change was there. To a communication made to the Dutch Embassy he received for answer, that "there could be but one opinion on the subject" all over Holland, and that the interminable number of weights and measures in use in different places had been superseded in favour of the metric system to the entire satisfaction of the country. He would now state why he proposed only a permissive Bill. He had done so in deference to the opinion of the House. He should have been glad to go further and make it prospectively compulsory, but it was his duty to obey the wishes of the House. The question had been frequently asked, would any persons avail themselves of a permissive system? He believed that there were many trades and professions in the country which would gladly avail themselves of the metric system. That system was not lawful at present, and the object of this Bill was to render it lawful. It would be advantageous to watchmakers, who found considerable difficulty in dealing with foreign countries in consequence of the misunderstandings which frequently arose, owing to the variation in measures in different countries, and in different parts of the same country. When orders were given under the metric system, the uniformity of measure would be so exact that every workman, however distant, would be able with ease to execute the orders which he received. Some of the most eminent engineers were of opinion that the metric system might be applied with great advantage to the construction of machinery, Among other articles of machinery, he might mention the wheels of railway carriages. The adoption of the metric system would be of great advantage in executing orders from foreign countries. A great number of chemists had expressed their sense of the benefits which they would derive from it, and a considerable body of architects had petitioned for its introduction. With regard to the coal trade, which was now extensively carried on with foreign countries, the introduction of the metric ton would be of the greatest advantage. And, generally, the use of the system would facilitate and extend our trade with foreign countries. If the House should pass a permissive Bill, he believed that the system would work its way gradually into the commerce and manufactures of the country, until at last the people would become convinced that it was desirable to pass a compulsory measure. In the mean time he believed that the present step was a step in the right direction. The hon. Member moved the second reading of the Bill.

MR. LOCKE said, he would second the Motion. It would at least do no harm to pass this Bill through the present stage, and would, no doubt, lead, in Committee, to the amelioration of the existing system of weights and measures, which, it could not be doubted, was extremely inconvenient and defective, either on the plan of his hon. Friend or in some other way. There could be no question that the assimilation of our measures to those prevailing in France and other countries would be of great advantage to all concerned in foreign trade. It would also, in his opinion, be of material benefit to the working classes in their small dealings with grocers and others. At present, there was no proper analogy between our weights and measures and our coinage, and consequently the working classes are the losers. For instance, twelve pence—one shilling, which was also equal to twenty-four half pence and forty-eight farthings; then sixteen ounces make one pound, and consequently, three farthings would answer to an ounce; but suppose a poor man wanted to buy half an ounce of something which cost three farthings an ounce, it was clear that there must be a loss of half a farthing on the side either of the shopkeeper or purchaser. This arose from there being no exact equivalent, whereas the French with their centimes had a great advantage over us in trifling transactions of that sort. They had a hundred centimes to a franc and five centimes to a sous, and that money division corresponded with the divisions of the weights and measures, so that there were equivalents in money to the smallest weights and measures. On that ground he thought it very desirable that we should have an assimilation between the weights and measures and the coinage in that respect. It would be a great boon to the labouring classes. A great deal had been said in the Committee on this subject about the objections that would be made to an alteration in the system by retail dealers and the labouring classes; but he was quite sure that if the labouring classes understood their own interests they would come to the conclusion, that it would be an especial advantage to them to have coins which would enable them to pay for the very smallest quantity of any commodity they desired to purchase. M. Michel Chevalier in his evidence before the Committee in answer to the following question, No. 620, put by the hon. Member for Stockport (Mr. J. B. Smith)—

> "Do you think that if we adopt the metrical system of weights and measures, we should also adopt the decimal system of coins, and that they should be adopted simultaneously?"—said,
>
> "Yes. Your present system of coinage has two imperfections. One is that it has no connection with the general system of weights and measures. Our system has the franc, which is a piece of silver weighing five grammes exactly. Your pound sterling has a complicated ratio with your pound weight. The other imperfection is that your divisions are not decimal."

His hon. Friend's Bill did not attempt to carry out these views of simultaneously adopting the metric system and the decimal coinage; but it would not prevent that further step being taken if subsequently deemed desirable. If the metric system were found on trial to be easily understood and convenient for us, there could be no doubt that it would be adopted by vast numbers of persons, both high and low, for their own interest. The learning of weights and measures in youth was a most disagreeable pursuit. Nothing could be more intricate, perplexing, and, in fact, he might say, detestable than those tables which one had to learn in childhood, but which one usually forgot so completely when one grew up, that he did not suppose there was a single Member of the House who could repeat them. Each person learned the tables necessary for his particular trade, and carefully eschewed all the rest. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley), objected to the Greek and Latin names given to the divisions of the metric system; but in Holland, when the system was introduced, the original Dutch names had been retained. The same course might be taken in this country. The French system was extremely simple, and could readily be learnt. It was said that there was no need to make any change, because when once a person was familiar with our weights and measures, he could calculate according to them without any difficulty. But when they considered the rapid growth of population and all the little boys at school, they must, he thought, admit that it would be a much greater benefit to the human race to adopt the new system than to adhere to the old merely because a certain number of grown up people knew the one and could not be bothered to learn the other. It could not be right to set the inconvenience of the present generation against the positive benefit which the adoption of the new system would confer on all future generations. There was another matter to which he wished to draw the attention of the President of the Board of Trade. There were, he believed, certain authenticated standards of weights and measures by which all the weights and measures of the country were to be compared and verified, but where they were deposited nobody exactly knew. It was supposed that they were bricked up in some part of this House, and that consequently nobody could get at them. Copies of these standards were distributed throughout the country, but it was a long time since they had been compared with the originals, and he understood that great injustice was done by taking inaccurate copies as tests. The magistrates held themselves bound by the Act to impose penalties for the slightest deviation of weights or measures from the country standards, and he was told that many innocent persons were improperly convicted on account of the imperfections of the tests applied by the magistrates. He hoped the right hon. Gentleman would give his attention to these matters. In regard to the Bill, he believed it would be advantageous as far as it went, and hoped that some day we should have a system of weights and measures and a system of coinage analogous to each other.

Motion made, and Question proposed, "That the Bill be read a second time."—(*Mr. W. Ewart.*)

MR. MILNER GIBSON said, that before he made any observations on the Bill he would reply to the two questions which his hon. and learned Friend the Member for Southwark (Mr. Locke) had addressed to him. His hon. Friend stated first that the national standard of weights and measures had been put away in some inaccessible place, and that consequently copies of the national standards had not been verified for a long time, and that, as these regulated the weights and measures throughout the country, without such verification there could be no assurance that these standards were correct. His hon. and learned Friend was mistaken in supposing that the national standards were bricked up in that building; the national standards were deposited in the Exchequer, and there were only certain copies of them immured here. He might state to his hon. and learned Friend that the question of the re-verification had been considered by the Government, and the Standard Commission had been revived by the Treasury, and it was very probable that a verification would shortly take place under their authority. The subject was under consideration, and he had no doubt that what was necessary would be done under the sanction of this Commission. With respect to the present system of administering the law of weights and measures, it was not for the Board of Trade to comment on the proceedings of the magistrates in this respect. No one could for a moment doubt the expediency of having a system of penalties to prevent the public being defrauded by false weights and measures. No doubt such penalties might be carried into effect with undue severity, but he had not heard of any such case, and, if he had, he did not think it could be considered one of the functions of the Board of Trade to interfere.

MR. LOCKE said, that what he had intended to state was that, according to the Act of Parliament, it was imperative on the magistrates to inflict penalties.

MR. MILNER GIBSON said, that at any rate the Inspectors had no power to impose penalties. Their duty was to see that the weights and measures properly corresponded with the country standards, and were themselves liable to penalties if they neglected their duties, and it must be presumed that when the magistrates convicted fraud had been proved. His hon. and learned Friend the Member for Southwark (Mr. Locke) had argued that there should be a decimalization of the coinage in correspondence with a decimalization of weights and measures, and that means should be adopted for securing the working classes against the improper charges now put upon them through the want of convenient relations between money and weights and measures. He knew there was a great deal of truth in what the hon. and learned Member said; but really the question of decimalization had nothing whatever to do with the Bill. This was a measure for changing the unit. Our existing weights and measures might be decimalized. When the present standards were legalized there was a clause introduced into the Act, which enabled secondary weights and measures to be used, simply by an Order in Council. They might then, in fact, have a decimal division of the existing weights and measures. Indeed, he believed, without any Order in Council, the use of decimal divisions by individuals would not be prevented by any statute of which he was aware. With regard to the coinage, of course that was a question for the Executive. There were no doubt great facilities of decimalizing the British coinage. The question before the House, however, was simply whether there should be a permissive use of a new standard. At present we had two standards, namely, the English yard, and the avoirdupois pound, from which all our weights and measures were derived. If this Bill were passed we should have a third one—namely, a metre, from which other weights and measures would be derived. We should then have three national standards—the English yard, the avoirdupois pound, and the metre. The metre was the 10-millionth part of the quadrant of the globe from the equator to the pole, and was supposed to be represented by a certain bar of platinum, in the possession of the Royal Society, and which, it was stated in the Bill, had been originally constructed in consequence of the Resolution passed in the House of Commons on the 15th of March, 1816. He found a Resolution stating that a comparison should be made with the French metre; but all that part of it which it was said regarded the Royal Society and this bar of platinum he could not find. But let them assume that the Royal Society had this bar of platinum in their possession. His hon. Friend proposed to put upon the Board of Trade an important duty—namely, to furnish at least 700 different places throughout the United Kingdom with sets of weights and measures according to his new standard. Supposing each set to consist of twenty separate weights and measures, it was obvious that the duty of the Board of Trade would be a very serious and expensive one; and the Board of Trade was to take this bar of platinum as their basis from which they were to derive all the new weights and measures. This was a duty which the Board would find very great difficulty in discharging, and would be really going far beyond what was done in regard to our present weights and measures. All that was done now was to provide the three capitals of the United Kingdom, London, Edinburgh, and Dublin, with copies of the standard weights and measures; but he believed that all other localities provided those articles at their own expense. He did not think it fair, then, to call upon the State to perform the duties to which he had referred. This, however, might be said to be an objection that could better be taken in Committee. That might be true, but he felt it was necessary to state his objections at the outset, because the object of his hon. Friend the Member for Dumfries (Mr. W. Ewart) might to a great extent be obtained without calling on the Board of Trade to undertake so difficult and costly a labour. What was stated last year was this—that at present any contract made under the metric system was not legally binding. If a man, for instance, agreed to purchase a metre of cloth from a Frenchman, he might escape from his engagement, inasmuch as his bargain being made under the metric system, he could not be compelled by our law to fulfil his contract. That, he (Mr. M. Gibson) believed was the state of the law. But it would be easy to make a contract, on the metrical system, legally valid. Any person who chose might then make contracts on the metrical system, and could enforce the contracts by law, supposing that the other contracting party was desirous of escaping from them. Well; but he might be asked by his hon. Friend, supposing the goods to be delivered, where was the standard by which the correct measure could be ascertained? Now, nothing could be easier than to get rid of that difficulty; because, if in the clause of an Act there was simply a recognition of the relations existing between English weights and measures and metres, a table of equivalents, they would at once see, by using our own standards, whether the correct metrical measure had been given. There would then be no necessity for having a third standard in this country. That was the opinion of the Astronomer Royal, expressed in a paper he had put into his (Mr. M. Gibson's) hand, and which by some omission did not appear in the Appendix of the Report of the Weights and Measures Committee. With the Astronomer's permission, he would move to have it laid before the House. The opinion of that gentleman was this:—"If it appears that an action at law arises upon contracts made in respect to foreign measures, I think that the safe and proper course to take is to ascertain the relations between the British and foreign standards, and that the Legislature should recognize those relations." Now, it appeared to him (Mr. Milner Gibson), that the principle indicated by the Astronomer Royal might be easily acted upon without adopting a new national standard, and that, in this way, the evil complained of in regard to the use of the metrical system in our foreign trade, might be remedied without much trouble. Last Session his hon. Friend the Member for Dumfries proposed a compulsory measure, which he (Mr. Milner Gibson) objected to. He stated then that to a permissive Bill, or to giving the powers of making a legal contract upon the metrical system, he would not object. He further stated that, so far as decimalization was concerned, he saw no reason why people should not use that system if they thought fit. But he objected to compulsory powers in enforcing upon the whole community the necessity, under pains and penalties, of adopting a new system of weights and measures. He was, however, put in a minority, and the House by a majority called for a compulsory measure. His hon. Friend now came forward with a permissive measure on the subject, and he (Mr. Milner Gibson) should not oppose the second reading. But, at the same time, he wished to guard himself carefully against being supposed to agree to all the clauses of the Bill. To the principle of permission to legally use the metrical system, he should not object. But he declined to say, as at present advised, that it would be right to commence a system which the hon. Gentleman proposed, of establishing in this country a new standard of weights and measures from which 700 sets were to be made and distributed throughout the United Kingdom. He hoped that his hon. Friend would be satisfied if he obtained the legal use of the metrical system without imposing upon the Executive a very onerous and useless task—for he doubted whether the distribution of a new set of weights and measures would lead to the voluntary use of them by retail traders. He thought the only persons likely to desire to use the metric system in this country would be those who were engaged in the foreign trade, and they would have the full use of it if all contracts made in them could be enforced by law: he hoped that would suit the views of his hon. Friend. Guarding himself as he had done against the provisions of the Bill, he should not oppose its second reading.

Mr. HENLEY: The statement we have just heard from the right hon. Gentleman the President of the Board of Trade is in some degree satisfactory; but I think it is eminently not so on one point. So far as the right hon. Gentleman proposes to sanction by law contracts made in any particular measure in which the relative proportions of our standard could be obtained, I agree with him; because to do so is merely preventing what amounted to fraud, and to prevent dishonest persons from getting rid of their just obligations. The right hon. Gentleman had no doubt guarded himself that the principle of the Bill must be restricted to this one point; but I must remind the House that the Bill proposes to set up two modes of buying and selling in all the retail shops throughout the country, which must not only present great difficulties to the humbler classes—when A. sells by the metre and B. by the pound—and subject them to be cheated and constantly defrauded from their not being able to understand readily and calculate with accuracy and facility the difference between the two systems. The shopkeepers would, no doubt, take care to understand the two systems to their own advantage, and therefore I cannot conceive a more objectionable proposition than that now before the House. I do not say whether the old English yard and the avoirdupois weight are better than the metre, but I contend that the use of both —which is the object aimed at by the present Bill—will be most disastrous in its operation to the working classes. If such a change is necessary it ought to be taken up and carried on the responsibility of the Government, and not by a private Member; for I object to a great measure whereby any man who chooses to become a rogue, and is clever enough to cheat another, being handled in this manner. It is perfectly true, as the hon. and learned Member for Southwark has said, that there is no analogy between our weights and measures and our coinage; but the same objection will remain if we carry this Bill. The hon. and learned Gentleman says with great truth, that if this Bill is carried, it will compel us to alter our coinage. But I think we ought not to touch one without altering the other at the same time, and that then it should be done by the Government, or else we shall throw everything into confusion, and lay every person open to be cheated for the next eight or ten years. All the advantage I can see likely to result from the present proposed legislation is, that it will save little boys from learning what was distasteful to the hon. and learned Gentleman the Member for Southwark when he was—as I suppose he was at some time—young. The right hon. Gentleman the President of the Board of Trade, has referred to the great labour and trouble and expense that will be incurred in sending 700 copies of the new standard all over the country; but that is nothing like what will be required—it will be but a drop in the ocean; because besides sending a copy to each county and corporate town, it must be again multiplied for the use of the various benches of magistrates in order to do justice between the parties when informations are laid for using defective weights and measures. A great deal has been said about a national standard. The one proposed last year was, as I understand it, only a copy; but we are now to have something very philosophic —namely, the 10-millionth part of some portion of the world, to be verified by a platinum bar placed somewhere, but where the right hon. Gentleman the President of the Board of Trade does not exactly know. Last year we were to go to Paris to verify our standards; and it would be very instructive and no less satisfactory to know how long it was since the platinum bar and the something that is built into a wall in this building were compared and verified, because the hon. and learned Member for Southwark says great inconvenience now arises from the want of a proper verification of our standards of weights and measures. They are at present sent up to the Exchequer to be properly stamped, and we should not get out of the difficulty if we were to adopt the new system. It is a subject so great, whether for good or evil, that I think it ought only to be touched by the Government, and not dealt with in this bit-by-bit manner; but in consequence of the statement made by the right hon. Gentleman the President of the Board of Trade, I shall not propose any Motion for the rejection of the Bill.

Mr. ADDERLEY: It is certainly very easy to turn this subject into ridicule or to treat it as chimerical, and it is very difficult under such treatment to get the House to appreciate its value. So much has to-day been said one way and the other that the Bill makes unusually little progress, owing to conflicting statements. The right hon. Gentleman the President of the Board of Trade says, the Government is required to do so much under the Bill that they cannot possibly undertake it, and that it contains a great deal which must be left to private individuals. The right hon. Gentleman the Member for Oxfordshire, however, says the reverse, and that from the importance of the measure it ought to be taken up by the Government, and private individuals should have nothing to do with it. The object of the Bill is at all events an important one, and nothing but its difficulty can be seriously alleged against it. Of so immense an advantage must it be abstractedly to commerce to have an uniform system of weights and measures, that it is needless to argue the question. If, however, it is of so much importance to any country's trade, how much more so is it to international commerce? And it is no exaggeration to say that this country, dealing with weights and measures which are unintelligible abroad, is placed in the most disadvantageous position—a disadvantage so serious that it is not easy to calculate the tax which it represents on our commerce. But beyond the consideration of uniformity, a simple system in the place of our present complicated one would be of immense importance to trade, as well as to science and philosophy. Every one having any extensive calculations to make wishes to have a more simple system than the one now in use; the metric system is unrivalled for its simplicity; and the only objection raised to it is the difficulty of its introduction. If this is impossible, it is useless to waste more time about it. But we must first ascertain that it is so, before we forego what is so desirable. It is irrational to try to put down the measure by ridicule, and it is neither sensible, rational, or patriotic to impede its discussion by merely laughing at its terms and novelty. There is nothing, perhaps, more easy in England than to turn a new nomenclature into ridicule. Englishmen, beyond all men, like old terms and old habits; but I hope we are not to be diverted by such ridicule from discussing a practical subject like this. It does not seem to me that the sound of the word "metric" can be absurd to anyone but a fool who had never heard it before; no more so than a "yard" to a man who had never heard of a yard before. To an ignorant savage the idea of basing a measure on the 10-millionth part of a quadrant of the globe from the equator to the pole would not seem more funny than that of basing the English yard on the length of the second pendulum which depends on the force of gravitation. The right hon. Gentleman who has just sat down tried to turn the subject into ridicule by asking where the standard was to be kept, and whether we were to go to Paris for it. [MR. HENLEY: That was the proposition last year.] It might be laughable to go every year to Paris to look at their standard, but not so to go there once for a copy, and so provide that a like platinum bar should be kept in London. The right hon. Gentleman opposite complains that there are now two standards—the yard and the pound: the one being the standard of weight, and the other of length.

MR. MILNER GIBSON: They are both derived from the same principle. If you adopt the metric principle you will have a third.

MR. ADDERLEY: That is a great argument in favour of the third system, the great recommendation of which is its simplicity. It is the chief merit of the metric system that it has only one unit for lineal measure, area, weight, and capacity. It is said that, pending the introduction of the new standard, two standards will expose the poor to being cheated. I should like to know now how many different denominations there are in use in this country of weight and measure. In some trades there are not only two but some twenty or thirty different meanings to the same terms of weight and measure. I believe the bushel has as many as twenty or thirty meanings in my own county. If so, you need not be so much afraid of adding another, which if it become the standard will reduce all to one. To get rid of the old system it would be fortunate if it were possible to pass a short Act to provide that the metrical system should be introduced, and that no contracts made under any other system should be legal. That is the way in which the autocratic Governments of the Continent have dealt with it. Napoleon so established it in France, and almost all the Governments of Europe have adopted it. In this respect they have had a great advantage over England. Their commerce has a language understood everywhere, and of great simplicity—an advantage over this country which nothing but inferior vigour in commerce has enabled her to compete with. But since we cannot compel its adoption here, we must be content with facilitating what I may call its self-introduction. There are many ways in which this may be done. To some extent, it may be done by Orders in Council. It may be prepared for by the Education Committee of the Privy Council introducing the tables into all schools under their control, and it may be done by the Government adopting it in their own departments, just as most of our large mercantile firms are beginning to use it in their establishments. But there can be no doubt that some legislation is wanted to introduce the metrical measures on a par with others, and to describe them. The provisions of the existing Act left it necessary, and hence the importance of passing such a Bill as the present, with its valuable clauses and schedules.

MR. HENLEY, in explanation, said, that what he had stated with respect to the measure was, that if it was taken up at all it ought to be taken up not by a private Member, but by the Government.

MR. THOMSON HANKEY agreed with the right hon. Gentleman that the question was one which the Government ought to take up. But there was no hope of the Government doing so, as they had always thrown cold water upon it. After the division on the subject last year, they had a right to expect that some measure would have been introduced by the Government. The difficulties pointed out were chiefly of detail, and might be considered in Committee. He could not see the use of the President of the Board of Trade sanctioning the second reading when he declared himself opposed to almost every detail of the Bill. Under such circumstances, it was but wasting time to carry the measure further. As to introducing a third standard, he begged to remind the House that, though they had at present legally only two, yet, practically, they had several hundreds. He had always advocated the alteration of a standard which was admitted to be radically bad, and the adoption of a standard which most countries in Europe had deemed to be a better one. They ought, therefore, to make a similar alteration in this country, for the interests of both rich and poor would be promoted by it. It had been said that the Bill would be inoperative, and that the object might be carried out in a better manner by some other measure. If that were so, let another measure be introduced, and then the two Bills could be considered together. But he had no doubt that, although this Bill was permissive only, when the country once got used to the system, it would soon be made compulsory.

MR. WALTER said, he hoped that his right hon. Friend the Member for Oxfordshire (Mr. Henley), would not think him guilty of presumption if he told him that he intended to divide the House on this question after his right hon. Friend had expressed his willingness to refrain from doing so; but he felt so strongly about the inexpediency of this Bill, as well as about the impropriety of the shape in which it at present stood, that he conceived it to be his duty to take a decided course at the outset. He objected to the Bill partly because it was a permissive one, although he confessed that he should also have objected to it still more if it had been compulsory; because he thought that the use of weights and measures in this country, as well as the use of coins, ought to be subject, not to permissive, but to compulsory regulation. Nothing, he believed, could tend more to throw the trade and commerce of the kingdom into confusion than the adoption of a permissive scale of weights and measures. They might just as well try to gratify the whims and fancies of some people who would like to introduce the French coinage into this country. Suppose they had a permissive Bill to allow certain people to use French coins in England. Some persons thought that Napoleons and francs would be better than pounds sterling and shillings; and, according to the principle of this Bill, they ought to have their views carried out. Yet, they knew pretty well what reception a permissive Bill to that effect would meet with in that House. Partly on that ground, then, he opposed the present Bill; but he acknowledged that he had a still stronger objection to it. It was a revolutionary measure; it tampered with our whole system of weights and measures; and it introduced a foreign nomenclature, which the right hon. Gentleman the Member for North Staffordshire (Mr. Adderley) thought so very light and indifferent an affair. They would not find it so treated or regarded in the country. The labouring man who wanted to buy a glass of beer would be obliged to ask, not for a pint or a half-pint, but for a "litre" or a "decalitre," or some such barbarous term of quantity. Then, again, as regarded square measure, our yards, roods, &c., were to be superseded by new-fangled terms, all ending in "are," which would be taken to be nothing but a misprint of the word "acre" or "area." He believed it was impossible to exaggerate the amount of annoyance that would be caused, or the disrespectful remarks that would be made throughout the country, if they attempted to force a system of that sort down the throats of the people. But if they adopted the system at all it must be made compulsory, for in a matter of that kind a permissive measure was out of the question. With respect to a system of decimalization, if they wanted to decimalize their coinage, they had only to provide that 200 pence should go to the pound sterling, instead of 240, and it would be decimalized to all practical purposes. And why was that not done, except because it would raise the value of our penny by one-sixth, thereby altering the whole character of those infinitely numerous transactions of the value of one penny? That was felt to be so great a practical difficulty that they could not decimalize their coinage, although the thing was most simple, speaking arithmetically. But it was a very much more complicated matter to adopt a metrical system of weights and measures. They had now got an excellent standard of measurement in the yard. What objection was there to that? Was it too long or too short? If they found it a difficult thing to decimalize the yard by reducing it into inches, let them, if they preferred it, or thought it more philosophical, make the foot consist of ten inches instead of twelve. He did not recommend that, although it would be one way of decimalizing the yard. But why should they not keep their own weights and measures? Why were they, because a certain number of Frenchmen, animated by what he did not hesitate to call a spirit of fantastical pedantry, which led them to turn everything upside down—why, merely because a certain number of French *savans* chose to adopt as their unit of measurement the 10-millionth part of the quadrant of the earth's meridian, were we in this country bound to imitate them? He maintained that the metre of 39·371 inches was not nearly so handy a unit as our yard, and he would take the opinion of any carpenter whether, as a mere matter of convenience, the English yard had not the advantage over the French metre. At all events, he thought they ought not to abolish the name of the yard. He would ask the right hon. Gentleman the Member for North Staffordshire (Mr. Adderley), what did Professor De Morgan—a good authority, he supposed, and not a fool merely because he did not agree with the French system—what he did say of the principle on which the French metre was constructed? Why, that they might as well think of determining their unit of measurement by the distance from the earth to the moon as to adopt the principle of the arc of the earth's meridian, and that there was no real philosophy in it. Reverting to the case of the coinage, one gentleman who was examined before the Select Committee on that subject, spoke of the introduction of the florin as a great step towards the decimalization of our currency. Now, he ventured to say, that in the history of this country there had never been a more useless and absurd coin invented than the florin. What advantage was there to any human being in carrying two shillings in one piece instead of carrying them separately? There was some use in the half-crown, because it expressed three coins in one. The florin seemed as if intended only to afford a mean mode of cheating some unhappy schoolboy of his full allowance or gratuity. He was at the Mint some time ago, when Professor Graham, the Master of that Establishment, told him that they had to coin a great number of extra sixpences to make up the half-crown since the adoption of the florin. Children and other people would not be cheated by having a florin given to them where before they used to get half-a-crown, and surely it was much better that the half-crown should be in one coin instead of in two? He mentioned that to show the absurdity of carrying a preconceived idea to fantastic lengths. He said, then, that if they could improve their weights and measures, let it by all means be done; but they should take care to retain their own nomenclature. The present Bill had all the faults of the Bill of last Session, with some aggravation, and in order to test the feeling of the House, he must press this question to a division. He begged, therefore, to move that the Bill be read the second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Walter.*)

Mr. J. B. SMITH observed, that one of the articles of Magna Charta provided that there should be but one weight and one measure within this realm, but there were scarcely two counties in England where articles were sold by the same measure. There were nine different sorts of stones, and if a man sent a bullock up to London, it was nearly double the country weight, the stone in one case being 8 lb. and in the other 14 lb. So far from this Bill being a revolutionary measure, we were turning back to our original system, in order that the people might not be cheated in their transactions. The hon. Member for Berkshire (Mr. Walter) was alarmed at a foreign nomenclature, and there could be no objection to the use of English terms if they were more feasible than French; but in the case of Holland, where the same prejudice against the French nomenclature had existed, great practical difficulty had been experienced from an adherence to Dutch terms. Great inconvenience would result from the adoption of a standard of our own, whereas great advantage would be gained by introducing the system followed in the other countries of Europe. He cordially supported this Bill, and regretted to find hon. Gentlemen on the Ministerial side, from whom he had expected more enlightened views, opposing the measure.

Colonel SYKES thought it a disgrace to us, as a civilized country, that it should be found lagging behind the rest of the civilized world in this matter. Even the Government of Chili had recently adopted the metrical system. If hon. Gentlemen had undergone as much fatigue, trouble, perplexity, and disgust as he had done in reducing foreign weights and measures into our own, for equivalents in scientific researches, they would think this no light or unimportant matter. He was astonished to hear the hon. Member for Berkshire say it was impossible to introduce a decimal coinage because it would raise the penny one-sixth over its present value. Why, if the penny were so raised in value the labouring man would get one-sixth more of the article he required in exchange for it. [Mr. Walter: Take the case of the penny stamp.] With regard to a table of equivalents, which had been talked of by the President of the Board of Trade, he did not see the practical use of it. What farmer would understand it? and what farmer would make bargains in weights and measures of which he had not the standards at hand to verify quantities? It was the duty of the Government to bring in a measure on this subject, and if they did so, the intelligence of the country would, in a few years, gradually come over to it.

Mr. BUXTON said, he thought the President of the Board of Trade should either divide against this Bill, if he disapproved its principle, or, if he did not so divide, he should admit the thing wholly, and strenuously assist in its adoption. Nothing could cause greater confusion than any mere half-and-half changes in such a matter. The President of the Board of Trade should also put himself in communication with the Vice President of the Committee of Privy Council, in order that instruction in the metrical system might be given in the schools supported by the State, because, to make it work, the people should be broken into it from their infancy.

Colonel BARTTELOT inquired if it was desirable to introduce a permissive Bill, and if a permissive Bill were passed, would the country accept it? The small traders would decidedly not accept it, nor would the agriculturists in the rural districts. The large traders might adopt it, but it certainly would not become a general measure. If such a measure as this were brought in at all, it should be brought in by the Government; and if the proposed system were adopted it would be necessary for every shopkeeper to go to school again.

Mr. BAINES said, the hon. and gallant Gentleman must have but a poor idea of the intelligence of the English people when he said they would be unable to understand an improvement which was now being adopted by every civilized nation of the world. He had lately seen it in operation in Sardinia and Tuscany, and he held in his hands little publications issued by the Italian Government containing a popular explanation of the Metric system. Even Spain and Portugal had recently adopted it. The other day an advertisement appeared in *The Times* inviting tenders for 80,000 pieces of the weights and measures of the new metrical system for the Kingdom of Spain. In Switzerland the utmost confusion had prevailed from the varying systems of the different cantons until a uniform plan was adopted. The standard metre of Switzerland was kept in the stonework of the Bridge at Basle; and there was a similar standard kept in the Palazzo Vecchio, at Florence. Did hon. Gentlemen think so lightly of the intelligence of their own country as to believe that they would not be able to appreciate and understand one of the most striking and important of modern improvements? As to the difficulties of a new nomenclature, we had now fifty-six different names for our weights and measures; whereas the Bill would substitute only four, with easily intelligible prefixes to signify their different decimal parts. He regretted the course taken by the hon. Member for Berkshire, whose admirable talents he should have been exceedingly glad to see arrayed on the side of that improvement; but he trusted that the hon. Gentleman would live to see his error in this matter, and to rejoice that his present Amendment had been, as it was to be hoped it would be, rejected.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 90; Noes 52: Majority 38.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday,* 4th May.

CATTLE DISEASES PREVENTION BILL —[Bill 27.] CATTLE, &c., IMPORTATION BILL—[Bill 28.]

SECOND READING.

Order of the day for the Second Reading of the Cattle Diseases Prevention Bill, read.

Mr. H. A. BRUCE, in rising to move the second reading of the Cattle Diseases Prevention Bill, and of the second Bill, the Cattle, &c., Importation Bill, said, that the subject had been considered with the care and attention which were due to its importance. The question was an extremely difficult one to deal with, because it was no easy matter to interfere effectually to prevent the spread of infectious diseases among cattle, without at the same time interfering unduly with the operations of the agriculturist. There were already four Acts relating to this subject in existence, and instead of incumbering the statute-book by adding to their number it was proposed to repeal those Acts and pass two others in their place, at once consolidating and amending the present law. As far as could be ascertained, there were in the United Kingdom nearly 8,000,000 head of cattle, thus distributed:—In England there were something over 3,500,000; in Ireland something over 3,250,000; and in Scotland about 1,000,000. The total number of sheep was about 40,000,000; and the total number of pigs 4,300,000. The aggregate value of that property, reckoning the cattle as worth £10 a head, the sheep at £1 each, and the pigs also at £1, was no less than £121,800,000. These figures indicated the magnitude and importance of the interests involved in this question. Disease among cattle had broken out with peculiar virulence during the last twenty years. In 1844 the first insurance office for cattle was founded, when it was estimated that premiums of from 3 to 3½ per cent would cover the risks of loss. Several insurance offices were started; but although the premiums were increased from 3 gradually up to 7 per cent, and although after a time the insurance offices refused to admit Irish cattle as being more afflicted with disease than other cattle, the largest offices came to a stand. In 1861, Mr. M'Minn (Superintendent for Scotland of the Agricultural Cattle Insurance Company, one of the most important of these establishments), published statistical tables which showed that in the six years from 1855 to 1860 inclusive the average annual mortality among 30,000 cattle insured was 1,474, or nearly 5 per cent, their average value being taken at £11 9*s*. 8*d*. a head. That was in Scotland. Applying these figures to the United Kingdom, the loss from disease in six years would be 2,225,000 head, or 375,000 head a year. The total value of the loss for the six years was £26,000,000, or £4,320,000 per annum. The annual death rate for sheep was estimated at 4 per cent, or in value £1,600,000 a year. In regard to pigs, the estimated loss in Ireland was 10 per cent; in England and Scotland it was much less; the total value of the loss of pigs in the United Kingdom averaging £1,200,000 a year. The aggregate annual value of the cattle, sheep, and pigs, lost by disease in the United Kingdom was, therefore, £6,120,000. The most fatal of those diseases was pleuropneumonia, from which, at least, half of the cattle died. In 1848 the annual report of the Agricultural Insurance Company stated, that in some districts thousands were carried off by this disease. So great, indeed, were its ravages, that nearly three-fourths of the losses for which claims were made on the Company, were the results of that incurable malady. It appeared to be generally admitted that at least one-half of the cattle died of this disease. With respect to the causes of this disease, doctors differed among themselves. Some said it was contagious, others that it was not contagious, but propagated as an epidemic. It was not for him to decide, but it seemed to him that the preponderance of argument was in favour of its being contagious. It might also occasionally arise spontaneously in some districts; but facts, he thought, proved that it was contagious. This disease, wherever it arose, was no doubt propagated by the transmission of cattle by ship from foreign countries. They were often driven a considerable way to the port of embarkation, huddled into ships, taken across the seas, exposed to great heat and suffering on board ship; they were taken ashore, put into trucks in which cattle had recently travelled infected with the same disease; and thus, both on shipboard and in the trucks, at fairs and other places of sale, the disease was necessarily propagated. It, therefore, seemed necessary to consider what provisions could be made to diminish the propagation of the disease from these causes. This course was taken when two years ago a fatal disease became rife among sheep, and much alarm was excited. He need not go into details as to other diseases — the foot and mouth disease — the scab in sheep, and measles in pigs. He had stated the number of deaths arising from disease; but that did not represent the whole extent of the mischief. There was another point of great social importance connected with this subject, and that was the question of meat. Within the last few years the price of beef and mutton had very considerably increased. Whether that was owing in any considerable extent to the amount of disease which prevailed among cattle, or whether it arose from the greater demand for butcher's meat in consequence of the increasing prosperity and wealth of the people, he could not undertake to decide. Probably the rise in price was attributable to both causes. But whatever the cause, there could be no doubt that an enormous mass of diseased meat, in various stages of disease, was annually sold. What the precise quantity was it would, of course, be difficult to estimate. Professor Gamgee estimated it at one-fifth of the whole. There was no conclusive evidence on the subject, although there was ample evidence that the quantities were very large, not only of meat killed while cattle were diseased, but of cattle which had died without the aid of the butcher. He took the case where the figures were beyond dispute. The deaths in dairies were most numerous. Professor Gamgee, who had turned his attention specially to the subject, had collected some interesting statistics from Edinburgh and Dublin, which he had arranged in a paper he had published on the subject. With respect to Edinburgh, Professor Gamgee gave Returns from 88 dairies for the year ending 1862. Out of 1,839 cows kept 1,075 were sold diseased, of which 791 were sold to butchers and 284 to be consumed by pigs. In nine dairies in Dublin, on an average of 20 years, out of 315 cows 161 were sold diseased. In Dublin it was observable that cows being turned out to grass the greater part of the year were healthier than in the great towns. The loss in London, Manchester, &c., was equally great. These diseased cows were sold in Dublin fairs at from £2 to £5 each. In London and Edinburgh, where the facilities for sale were greater, at from £10 to £20. In London the seizures of diseased meat were very large, representing probably but a small part of those killed in a diseased state. He would on this subject read to the House an extract from Professor Gamgee's report. He says—

> "In London I have seen butchers in private slaughter-houses dress extremely diseased carcasses and 'polish' the meat. This filthy practice consists in killing a good fat ox at the same time that a number of lean and diseased animals are being killed. Boiling water is at hand, and when the lean animals have been skinned their flesh is rubbed over with fat from the healthy ox, and hot cloths are used to keep the fat warm and to distribute it over the carcass, that it may acquire an artificial gloss and an appearance of not being totally deprived of fat. In Edinburgh I have seen sickly lambs without a particle of fat upon them dressed up with the fat of healthy sheep much in the same way. From the private slaughter-houses in London I have known even the diseased organs themselves sent to the sausage-maker. In company with another member of my profession, I have seen a carcass dressed and portions of it prepared for sale as sausage meat and otherwise, although thoracic disease had gone to such an extent that gallons of fetid fluid were removed from the pleural sacs and that large abscesses existed in the lungs."

In Edinburgh there were between 100 and 200 diseased cattle sold weekly in the meat market; and as to Dublin, he would read an extract from *The Times,* dated December 17, 1862:

> "The Royal Dublin Society met on Saturday evening to hear a lecture from Professor Gamgee on disease and mortality among cattle. When he had concluded, Mr. Ganley, salesmaster, made an extraordinary statement. He said, that unless some means were devised to give the farmer some compensation for diseased cattle, it was impossible to prevent him from selling them, or the butcher from killing and selling them. Unless some society were formed to have diseased meat paid for, it would be killed and eaten. There was no use in mincing the matter, every one of the salesmen sold diseased cattle. The farmer could not otherwise pay his rent. The disease is so prevalent that he could not live were he to submit his cattle to destruction."

Mr. H. A. Bruce

Then came the question, Did the consumption of this diseased meat lead to disease in the human frame? On this point no very decisive evidence could be quoted. Of course, disease existed in very different proportions. To many, in most cases, it probably did no positive harm. The heat and process of cooking purified the vitiated meat, and what Mr. Simon called "the strong disinfectant chymistry of digestion" deprived it of much of its danger. Still, the positive existence of disease communicated by diseased meat was very strong. He would read one or two extracts bearing on this point—

> "Professor Maclagan, of the University of Edinburgh, stated at a public meeting held in Edinburgh on the 29th of January, 1862, that in his practice, both as a physician and a toxicologist, he had met with instances in which several persons had been attacked simultaneously with irritant symptoms after having in common partaken of meat which on being examined was found to contain no poison, nor to be in that state of putrescence which, as is well known, occasionally confers upon animal matters actively poisonous properties."

Dr. Alfred S. Taylor, F.R.S., in a letter of the 12th of January, 1863, said—

> "As a general principle, I think diseased meat noxious and unfit for human food."

He, moreover, adds—

> "In the course of my practice I have met with several cases of poisoning which appeared to be attributable to diseased or decomposed meat—more frequently the latter. I can at present recall to my recollection only two fatal cases—one from diseased mutton, the sheep having had the staggers, and one from German sausages. Animal food has been frequently sent to me with a view to the detection of poison, the persons sending it having the impression that from the vomiting and purging produced poison must have been mixed with it. No poison has, however, been found to justify this suspicion."

Dr. Letheby stated—

> "My opinion of the injurious effects of diseased meat on the health of those who make use of it is very decided. I have seen so much mischief from it, that I do not hesitate for one moment to say that some legislative measure is most press-

ingly wanted to prevent, not only the traffic in diseased meat, but also to prevent the slaughtering of diseased animals. Such regulations are now in operation everywhere on the Continent, and they are much needed here. In the City markets alone my officers seize from one to two tons of diseased meat every week. Last year we seized 110,046 lb. of meat, of which 78,697 lb. were diseased, and 13,944 lb. from animals that had died. We often pursue the offenders into a court of justice, and have them fined or imprisoned ; but I feel that the mischief should be stopped before it reaches the markets. Officers are wanted to examine the cattle before they are slaughtered. As to the effects of such meat on the human subject, I have seen many cases of illness from it. One of these is sufficiently important to bring under your notice. In the month of November, 1860, a part of a diseased cow was bought in Newgate Market. It came from one of the cow-houses in London. It was bought by a sausage-maker of Kingsland, and, as is commonly the case with very bad meat, it was made up into sausages. Sixty-six persons partook of the sausages, and sixty-four of them were made very ill. They were purged, became sick, giddy, and the vital powers were seriously prostrated, and they lay in many cases for hours in a state of collapse, like people with cholera. One man died, and I was requested by the coroner to inquire into the matter. I obtained some of the sausages, thinking that a mineral poison might be present, but I could discover none ; and the whole history of the case showed that it was diseased meat which had done the work. Again, Dr. Livingstone tells us that whenever the natives of Africa eat the flesh of an animal that has died from pleuro-pneumonia, no matter how the flesh is cooked, they suffer from carbuncle. Now, it is a very remarkable fact that boils and carbuncles have been most prevalent in this country for several years past. The Registrar General for Scotland has drawn attention to this fact."

And here he was bound to say that the corporation of London had been signalized by its exertions in endeavouring to prevent the sale of diseased meat within their jurisdiction. And Professor Gamgee said—

"My own observation confirm the opinions of the eminent authorities just quoted. I have known in many instances where meat supplied to students in lodging-houses in this city has led to vomiting, purging, and severe colic. In the majority of instances such meat was cooked in the form of a beefsteak. Three of my own students were affected simultaneously one day in December last. Within a couple of hours after dinner they experienced colicky pains, purging, vomiting, and these symtoms lasted several hours. Bread, potatoes, and water, were the only other materials they had partaken of at dinner. On another occasion two were affected, but did not attribute the injury to the steak until the next day, when the servant ate what had been left of the meat, and suffered severely."

He thought he had shown that, although it was possible to consume a large portion of diseased meat without any positive harm arising, nevertheless it was equally true that the consumption of meat in an improper state was calculated seriously to affect the health of the consumers. But whether all diseased meat was or was not of a poisonous character, there could be hardly a doubt of the fact that such food was not of a nutritious character. This was an evil which did not tell so much upon the rich, who could take care of themselves, as upon those who depended for their support upon the maintenance of their physical strength. When he had the honour of introducing the Bakehouse Bill of last year, he had brought forward facts showing that there was a vast quantity of bread baked containing matters which were not of a nutritious character. Considering then, that in the two important articles of consumption, bread and meat, there were large quantities consumed which were not only not nutritious but positively dangerous to health, he thought the House would not require further evidence to justify an earnest inquiry into the subject. It was now his duty to inform the Committee what had been the course of the Legislature upon this subject. The importation of cattle commenced in 1842, and he thought there could be no doubt a good deal of disease might be traced to the importation of diseased cattle. At this moment, however, he believed that the foreign cattle that arrived at our ports daily were apparently in a better state than some of those which arrived from distant parts of the United Kingdom ; and there was a greater necessity for guarding against the introduction of diseased cattle from Ireland and Scotland than from foreign countries. It so happened, however, that legislation had provided the means for checking the importation of diseased cattle from foreign sources, but not from parts of the United Kingdom. The existing Acts regulating this subject were the 11 & 12 *Vict.* c. 105, commonly called the "Cattle Diseases Prevention Act," and the Customs Consolidation Act, 1853 (16 & 17 *Vict.* c. 107, s. 44.) The 11 & 12 *Vict.* c. 105, by its preamble, authorized the issue of Orders in Council for preventing or regulating the importation of animals from parts beyond the seas where infectious or contagious diseases prevail. The expression "parts beyond the seas" had been held to refer to foreign countries, and therefore we had no power to interfere with cattle imported from Scotland or Ireland, or from any ports in England. The only change proposed to be made by the present Bill was to authorize the issue of general regulations with respect to the importation of cattle, whether from parts beyond the seas, or from one part of the United Kingdom to the other. The Act was strictly confined to the importation of live animals. The 16 & 17 *Vict.* c. 107, s. 44, included

> "Infected cattle, sheep or other animals, and hides, skins, horns, and hoofs, or any other part of cattle or other animals which Her Majesty may by Order in Council prohibit, in order to prevent any contagious distemper."

The two Acts taken together would appear large enough to enable Her Majesty in Council to make any restrictions whatever with respect to animals or parts of animals. It had, however, been considered that "Order in Council" meant an Order in Council passed not under the Customs Act, but under the 11 & 12 *Vict.* c. 105, and did not extend to cattle imported from one part of the United Kingdom to the other. The object of this Bill, therefore, was to make it clear that Her Majesty might regulate the importation of cattle from one part of the United Kingdom to the other, as well as from foreign parts. Provision was also made for the purification of ships bringing cattle to this country. This could be done at little cost or inconvenience; and in this way, no doubt, they would get rid of a fruitful cause of disease. It had been suggested that the great object should be to stop the evil at the port of shipment. They could not, of course, send agents to Rotterdam or Hamburg for this purpose, but it was said they might send them to Leith, Glasgow, Belfast, and stop the diseased cattle there. On that subject, he had consulted the best practical authorities, and he was informed that the inconvenience would be very great if this measure were resorted to. In the first place, the disease usually showed itself after the cattle had landed in this country, not before. In the next place, it would be necessary to stop the droves of cattle as they arrived at the port of embarkation, often after arrangements had been concluded for their shipment. That would cause great inconvenience. He had, therefore, abandoned that suggestion. It was his intention to propose that this Bill should be referred to a Select Committee upstairs; and if, after examining the whole matter, more effectual methods could be suggested of arresting disease than those provided in the Bill, there would be no difficulty, on the part of the Government, in accepting them.

He now came to the other Bill, with respect to diseased cattle. By common law, the bringing a horse infected with glanders, or cattle or sheep with any contagious disease, into a public place was an indictable offence. But that was confined to public places; for in the case of "Cooke *v.* Waring" Chief Justice Erle decided that the selling a glandered horse at a horse repository was not an indictable nuisance, although no notice of the disease was given to the purchaser, whose horses were infected and died. At common law, therefore, the bringing of cattle suffering from contagious disease into a fair or market would be an offence punishable by indictment. The statute law relating to diseased animals was contained in the 11 & 12 *Vict.* c. 107, and 16 & 17 *Vict.* c. 62. These Acts were temporary, and continued to the 1st of August, 1864, or the end of the next ensuing Session. The 11 & 12 *Vict.* related chiefly to sheep-pox. It empowered local authorities to seize and detain any animal affected with that disease, and imposed a penalty of £20 on any person turning out any sheep or lambs infected with this disease on common land. By section 4 power was given to Her Majesty in Council to prohibit the removal from specified places of any animals affected with a contagious disease, and of enforcing the most stringent precautions with respect to the burial of diseased animals, and the destruction of articles likely to propagate infection. The 16 & 17 *Vict.* c. 62 extended only to imposing a penalty on persons turning out glandered horses in common fields. The object of the present Bill was to repeal these two statutes, and to consolidate and to extend the existing law. The Bill was divided into six parts. Part I. made it an offence—first, to turn out in any unenclosed land any diseased cattle; secondly, to place them in a field insufficiently fenced; thirdly, to take them along a highway without due precaution; and fourthly, to expose for sale in any place, public or private, any diseased cattle; penalty for such offences not to exceed £20. It also provided that if the owner of a diseased animal knowingly sell it to a purchaser, without notice of disease, he shall, in addition to the penalty imposed by the Act, be deemed guilty of fraud in making the sale, and be liable for damages to the extent of the injury inflicted upon the purchaser. Part II. repeated and somewhat enlarged the 11 & 12 *Vict.* c. 107, enabling Her Majesty to make regulations with respect to the disposal of the meat, hides, horns, and offal of diseased cattle, and to do any other thing advisable for preventing the spread of disease among cattle. Part III. was new. It required every railway or canal company to cleanse the trucks and boats in which they carried cattle, and to water the cattle once in twelve hours. He believed there would be no insuperable difficulty in this, and there could be no doubt of the great cruelty and mischief of the existing practice in that respect. It also authorized railway, canal, and other companies to refuse to carry diseased cattle. Part IV. was partly new. The 11 & 12 *Vict.* authorized the appointment of Inspectors with power to seize any sheep or lambs exposed for sale at any market or fair, and to destroy the pens, litter, &c. This Act extended the authority of the Inspector to all cattle at fairs or markets, which he might examine and exclude if he thought them infected with any contagious or infective disease. This portion of the Bill also defined the local authorities, and provided for their payment. Part V. made all penalties recoverable in a summary manner. Part VI. repealed existing Acts, and declared all Orders in Council now in force not to be affected. The Act was made to extend to Scotland and Ireland. He believed he had now stated the object and the nature of the Bill. As he stated at the commencement, he was fully aware of the great difficulty and delicacy of the task, but, being aware of the enormous evils that existed, they ought not to rest satisfied until they took such means as were in their power to check and remedy them. He now moved the second reading of these Bills, and, if the House agreed to that, he should move that they be referred to a Select Committee.

Motion made, and Question proposed, "That the Cattle Diseases Prevention Bill be now read the second time."—(*Mr. H. A. Bruce.*)

MR. PACKE said, the hon. Gentleman had not only drawn a true but melancholy picture of the diseased state of our cattle. Free trade, they had often been told, was a blessing to the country; but with regard to the importation of cattle it was a curse, because they heard but very little of it before 1844, when the first cattle insurance company was originated. The high price of meat was attributed by many to increased consumption; but he considered it was owing to the disease, for whilst beef and mutton had gone up in price, pork was unusually low. The foot and mouth disease, though it was not so fatal as pleuro-pneumonia, had a most serious effect on the prosperity of the grazier, for there was scarcely a beast that was brought to the fair or market that did not show the disease in a fortnight after it had been turned into the pastures after its purchase. He had, however, not much faith in their being able to stem the mischief, which had been produced by the adoption of the late Sir Robert Peel's free trade measure.

MR. CAIRD said, it would be erroneous to attribute the increase of disease solely to the importation of foreign cattle under free trade; it might with equal truth be attributed to the artificial state in which we kept our cattle and their high feeding. The high price of butchers' meat occasioned by the increased consumption, had the effect of inducing farmers to develop the meat-producing powers as much and as quickly as possible, and the consequence was that cattle, instead of being kept till they were seven or eight years old, were killed in the majority of cases about two years old. He had no hesitation in saying that the development of disease arose, in a great measure, from that highly artificial state, much more than from the importation of foreign cattle, and it was no exaggeration to say that all the meat brought to market was in consequence in a partially diseased state. As a counter-statement to that made by the Under Secretary of State relative to the injury arising from the use of diseased meat, it was but right to state that since the increased consumption of meat by the working classes, owing to the increased wages, the insurance tables showed increasing longevity. Professor Gamgee was at the beginning, the middle, and the end of the hon. Gentleman's speech, and he cautioned him against being guided by Professor Gamgee's opinion as a practical man; for the introduction of the foot and mouth disease into the schedule was no evidence of any practical knowledge being employed in the preparation of the Bill. The foot and mouth disease was of a temporary character, and generally passed off in the course of a week. It was an inconvenience and a loss which they must put up with. He hoped a distinction would be taken between different kinds of markets. A store market where lean cattle were bought for fattening, and a stock market where the cattle were bought for immediate slaughtering, were very different. It was alleged that there would be a difficulty in inspecting the ports of departure in Scotland and Ireland. It was well known that some of the best cattle came from Scotland and from Ireland. These cattle might be in perfect health when shipped, and yet be rejected when they arrived in London in consequence of disease contracted in the passage. That must be considered, as the owner in such a case could not be considered as accountable for sending diseased cattle to market. A Bill of a somewhat similar character had been proposed some years back, and was referred to a Select Committee, who, after hearing evidence, decided that it was inexpedient to legislate in the manner proposed. He thought it not unlikely that a similar opinion might be pronounced upon this Bill. At the same time, it was possible that the Bill might be modified so as to be made a useful measure, and therefore it was right that the subject should be inquired into.

MR. NEWDEGATE said, he had listened with much pleasure to the speech of the hon. Gentleman the Under Secretary for the Home Department, but was rather inclined to agree with the hon. Gentleman who spoke last, that some of the statements which had been put forth were rather highly coloured. Upon the present occasion he would only remark that, as the only mode of proceeding was by Order in Council, those Orders in Council should, except in cases of emergency, be published some time before being put in force, in order that there might not be undue injury inflicted upon legitimate trade. He would also suggest that it would be advisable to license dealers who would exercise a watchful supervision over the proceedings of unscrupulous dealers. He feared that the system of inspection must be carried to a highly inquisitorial extent, unless it was accompanied by a system of licensed dealers, who would discountenance improper dealings on the part of others.

MR. HOLLAND said, that the Bill introduced last year for the prevention of contagious diseases in sheep originated with him, and not with Professor Gamgee. He desired to remind the hon. Member for Leicestershire (Mr. Packe), that long before foreign cattle were imported into this country very extensive disease had prevailed among our cattle. He might mention as an instance the murrain which prevailed in the middle of the last century, and which was so remarkable as to be mentioned in a Royal Speech. He hoped the Committee to which these Bills would be referred would thoroughly consider the subject of inspection. At present the Inspectors at some of the ports were broken-down tradesmen, quite ignorant of their duties, and only appointed because they had friends who were members of the corporation.

MAJOR HAMILTON hoped the hon. Gentleman who had introduced the Bill would give him a pledge to allow the Highland Society of Scotland to have a fair discussion on the subject before the Committee.

MR. ALDERMAN SALOMONS, as a magistrate of London, had had experience of the great extent to which the trade in unsound meat was carried on in the metropolis, notwithstanding all the efforts of the corporation to repress it. The present law was inadequate to meet the evil, it was almost impossible to convict the really guilty parties, and something should be done to put an end to practices which were so injurious to the public.

SIR WILLIAM MILES said, that the Under Secretary for the Home Department deserved their thanks for introducing these Bills at the earliest possible moment. No one was more convinced than he (Sir William Miles) of the necessity of legislating for the prevention of the transfer of diseased cattle and the sale of infectious and poisonous meat. The means of transit were now so quick between the metropolis and different parts of the country, that diseased meat could be readily sent up to the metropolis for consumption. Considerable difficulties would be found when the Bill got into Committee, but he hoped that the whole question of diseases would be gone into, and the cure of those diseases. The evidence should be taken, not only from the north of England, but from all parts of the country, and especially from Wiltshire, where the last epidemic prevailed. He trusted that the result would be the production of a good practical measure, which would prevent the farmers from being injured by the transmission of disease from one part of the country to another. There would be the greatest difficulty in dealing with the foot and mouth disease; but as to the other diseases mentioned in the schedule he hoped that some sound legislation would be adopted.

MR. PAGET hoped that the Committee would give their attention to the foot and mouth disease, which was a disease of a most serious character.

Sir MICHAEL SHAW STEWART regretted that further time had not been given for the consideration of the matter. He feared that the Bill, if passed in its present shape, would completely paralyze the operations of the farmers and graziers of Scotland, and therefore ample time should be allowed for them to consider it.

Mr. HENLEY said, he hoped it would be understood that the Committee would be allowed to take evidence, and would not merely be limited to a consideration of these Bills. [Mr. H. A. Bruce assented.] The statement of the Under Secretary, that one-fifth of the meat consumed in this country was diseased, was of so grave a nature that, if it were well founded, very serious inquiry was needed. He saw an enormous evil stated to exist, and he feared there would be found great difficulty in deciding how to deal with it. If the disease was imported from abroad, he was sorry that the evil had not been met by stopping the importation of foreign cattle. Inspection on arrival was not an easy task, for lung disease in an incipient state could only be detected by auscultation, and a nice treat it must be for an Inspector to go about with a stethoscope among a herd of wild bullocks.

Motion *agreed to.*

Bill read 2° ; and Cattle, &c., Importation Bill read 2° ; both Bills *committed* to a Select Committee.

And, on March 18, Committee *nominated* as follows :—

Mr. Bruce, Lord Naas, Mr. Caird, Mr. Leader, Mr. Miller, Mr. Leslie, Mr. Hodgkinson, Mr. Hunt, Mr. Thompson, Colonel Barttelot, Mr. Holland, Mr. Bentinck, Mr. Cox, Sir William Miles, Mr. Alderman Salomons, Mr. Algernon Egerton, and Sir Thomas Burke :—Power to send for persons, papers, and records ; Five to be the quorum.

And, on April 8th, Mr. Joseph Ewart and Mr. Beercroft *added.*

House adjourned at Ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 10, 1864.

MINUTES.]—Public Bills—*First Reading*—Inclosure* (No. 25) ; Bills of Exchange and Promissory Notes (Ireland)* (No. 26) ; Land Drainage (Provisional Orders)* (No. 27).
Committee—Chief Rents (Ireland)* (No. 15).
Report—Chief Rents (Ireland) (No. 15).
Third Reading—Sir John Lawrence's Salary* (No. 10).

LEGAL PROCESS.—PETITION.

Lord CHELMSFORD presented a petition from the Mayor, Aldermen, and Burgesses of Carlisle complaining of the difficulties entailed by the unsatisfactory state of the law affecting the commencement of legal proceedings, where the subject matter of dispute lay partly in England and partly in Scotland. The inconveniences were particularly felt in all questions connected with the railway companies the lines of which extended into both countries. The petition prayed that a law should be passed rendering valid legal service in either kingdom.

The LORD CHANCELLOR said, the rule of international law was that the plaintiff should follow the defendant into the jurisdiction where the cause of action arose. That had been so far altered with respect to Scotland and Ireland, that in cases of real estate the plaintiff could bring the defendant within the jurisdiction he lived in, and also with regard to cases respecting stocks in the public funds. The question was a difficult one, owing to the difference between the two legal systems and the jealousy of the Courts as to any encroachments upon their respective jurisdictions; but it was of so much importance that if his noble and learned Friend would give his assistance, he (the Lord Chancellor) would not despair of finding some remedy.

House adjourned at half past Five o'clock, till to-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 10, 1864.

MINUTES.]—Supply—*considered in Committee*—Navy Estimates.
Ways and Means—*considered in Committee.*
Public Bills—*Resolution in Committee*—Intoxicating Liquors.
First Reading—Intoxicating Liquors [Bill 44].
Committee—Mutiny ; Marine Mutiny*.
Report—Mutiny ; Marine Mutiny*.

GAOL DIETARY.—QUESTION.

Mr. BUXTON said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been drawn to a statement recently made by Mr. E. Chadwick before the Society of Arts, that, "taking 104 prison returns, which enabled a comparison of the twenty gaols where the expense and the quantity of the diet were the lowest, the twenty where the expense and the quantity of the diet were the highest, and the twenty where they were intermediate, the results came out as follows :—

	Oz. of solid food per week.	Cost per head per week.	Sick per cent.	Deaths per 1,000.
20 lowest prison diets	188	1*s.* 10½*d.*	3	1½
20 intermediate diets	213	2*s.* 4½*d.*	18	3
20 highest . .	228	3*s.* 2*d.*	23½	4 ,,

and whether he will cause any inquiry to be made on the subject ?

Sir GEORGE GREY, in reply, said, he had not seen the statement to which the hon. Gentleman referred, and he was wholly in ignorance of the sources from which the figures referred to had been taken, nor could he vouch at all for their accuracy; but an inquiry was now going on into the whole question of the dietary in the Convict Prisons, and when completed, the result would be communicated to Parliament.

THE NORFOLK RIFLE VOLUNTEERS.

QUESTION.

Mr. BENTINCK said, he rose to ask the Under Secretary of State for War, Upon what grounds the prayer of a Petition to the War Office from four Companies of Rifle Volunteers—namely, the 5th, 16th, 17th, and 23rd, raised in the county of Norfolk, the Petition praying that according to the War Office regulations these four Companies should be formed into a separate administrative battalion, and having been presented to the War Office by the Lord Lieutenant of the county of Norfolk, was refused ?

The Marquess of HARTINGTON said, in reply, that the request of the four companies could not be complied with, because the new Volunteer regulations fixed six as the lowest number out of which a battalion could be formed, and to which an adjutant could be allowed. Before the issue of the new regulations four companies was the minimum number allowed to form a battalion, and that number was fixed before the adjutants were paid by the Government. It was thought in the present case the better course to divide the four companies and attach them to other battalions rather than to form them into one separate battalion, and the Lord Lieutenant of the county entirely concurred in the views of the War Office with regard to that arrangement. Subsequently, however, as it appeared that these Companies wished to maintain their connection with each other, this arrangement had been altered, and instead of being divided between the two administrative battalions, they had been all attached to the first.

SUB-INSPECTORS OF FACTORIES.

QUESTION.

Lord JOHN MANNERS said, he wished to ask the Secretary of State for the Home Department, What steps, if any, have been taken to comply with the requests contained in the Memorial of the Sub-Inspectors of Factories presented to him last year ?

Sir GEORGE GREY said, the Memorial had been submitted to the consideration of the Treasury, who had sanctioned the arrangement for an increase of salary for those Sub-Inspectors who had served a certain number of years. Provision for that increase would be made in the Estimates, as the addition to this year's estimate would amount to £600.

Lord JOHN MANNERS : Will there be any increase for travelling expenses ?

Sir GEORGE GREY : No, only an increase in the salaries.

CONCENTRATION OF THE COURTS OF JUSTICE.—QUESTION.

Mr. ARTHUR MILLS said, he wished to ask the First Commissioner of Works, Whether it is intended to introduce any measure during the present Session for the Concentration of the Courts of Justice; and whether his attention has been called to the serious depreciation of property on the site recommended by the Commissioners of 1859, in consequence of the uncertainty which has prevailed during the last three years as to the intentions of the Government on this subject ?

Mr. COWPER said, in reply, that he was unable to give the hon. Gentleman as full an explanation as he would have wished upon this subject, but he hoped to be in a position to introduce certain Bills on the subject shortly after Easter.

GUNNERY INSTRUCTORS.—QUESTION.

Mr. TRACY said, he would beg to ask the Secretary to the Admiralty, Whether, having regard to the demand for Lieutenants as gunnery instructors having become so much greater than the supply, that during the last five years no Officer has been allowed to remain in the school of gunnery long enough to obtain a competent knowledge of the subject, it is the intention of the Admiralty to hold out any inducements to Officers to qualify as Instructors?

Lord CLARENCE PAGET said, in reply, at present he could not distinctly state the intentions of the Admiralty on the subject; but if the hon. Gentleman would have patience to wait until he should make his statement, which would not be very late in the Session, with regard to the proposed improvement in the pay of officers in the navy, he would find that the gunnery instructors had not been overlooked.

STOREKEEPERS' DEPARTMENT, PIMLICO.—QUESTION.

Sir ROBERT CLIFTON said, he wished to ask the Under Secretary of State for War, By whose authority an Order has been made in the Storekeepers' Department of the Royal Military Clothing Depôt at Pimlico, by which the Pensioner Clerks, Non-commissioned Officers, are required to apply for a Pass for the Police on incidentally leaving the building, the same Order not existing in the other branches of the establishment?

The Marquess of HARTINGTON replied, that by the regulations now in force, the pensioner clerks were not obliged to apply to the police for a pass. They were only required to leave their names, written by themselves on a piece of paper, with the constable, at the gate, in order that the names of all persons who left the establishment and the hours of their departure and return might be inserted in the daily report which was prepared.

NAVY—ARMOUR PLATED SHIPS.

QUESTION.

Mr. LAIRD said, he wished to ask the Secretary to the Admiralty, What is the depth from the deep load water-line at the fore and aft ends of Her Majesty's Ships *Enterprise* and *Research* to the top of the armour-plating, and what depth of side above that is unprotected by armour-plating?

Lord CLARENCE PAGET: The armour-plates of the *Enterprise* are only to the water line, and that part of the ship which contains her batteries. With regard to the *Research*, a much larger vessel, she has armour plates right up to the beam of the lower deck. I do not think it desirable to state the exact number of feet and inches the hon. Gentleman asked for, but if he will come to the Admiralty I shall be very happy to show him full details of each ship.

CASES OF STARVATION IN THE METROPOLIS.—QUESTION.

Lord ROBERT CECIL: I wish, Sir, to ask the Chief Commissioner of the Poor Law Board, Whether he has had his attention called to one of the cases of starvation, which unhappily have been too frequent in the metropolis of late, and whether he has seen the verdict of the Coroner's Jury passed on that occasion; and whether in consequence of that verdict of the Jury he has directed an investigation to be made of the conduct of the relieving officer through whom that case of starvation took place, and whether he contemplates taking any steps in the matter?

Sir GEORGE GREY: My right hon. Friend (Mr. Villiers) is not in his place, but I know he has had his attention called to this case. I cannot exactly state what steps he has taken, but if the Question is repeated to-morrow he will answer it.

STIPEND OF THE REGIUS PROFESSOR OF GREEK AT OXFORD.—QUESTION.

Mr. G. CLIVE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is the intention of Her Majesty's Government to make any provision for placing the stipend of the Regius Professor of Greek in the University of Oxford on a proper footing, he being appointed by the Crown?

The CHANCELLOR of the EXCHEQUER said, in reply, that Her Majesty's Government had no power whatever to deal with any funds which were available for increasing or otherwise altering the stipend of the Regius Professor of Greek at Oxford; nor were they in possession of any facts which would enable them to know that the matter had been definitively settled, so far as the University of Oxford was concerned; at any rate, the Government had no funds for the purpose.

PENAL SERVITUDE ACTS AMENDMENT BILL.—QUESTION.

In reply to Sir John Pakington,

Sir GEORGE GREY said, he would postpone the further proceeding on this

Bill to Thursday next (the 17th), when it would stand the Second Order of the Day.

NAVY—THE CHANNEL FLEET.

QUESTION.

MR. KER said, he would beg to ask the Secretary to the Admiralty, Whether the Channel Fleet has returned to the British Channel, and what the intentions of Her Majesty's Government are in the event of the Austrian Fleet proceeding to the Baltic ?

LORD CLARENCE PAGET: The Channel Fleet has returned, but what its future destination may be I am unable to inform the hon. Gentleman.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

BRITISH PROVIDENT SOCIETY— (MR. H. B. SHERIDAN.)

PERSONAL EXPLANATION.

MR. H. B. SHERIDAN: Sir, I hope the House will pardon me while I refer again to a statement made during the debate upon the Government Annuities Bill by the Chancellor of the Exchequer. That statement was sudden and unannounced; no notice was given to me, although it involved facts and figures referring back to nearly ten years ago, so that I was unable to make a full reply to it at the time, and it has taken me a day and a half to get at the facts and figures which would enable me to reply completely to the statement of the right hon. Gentleman. I do not believe that the right hon. Gentleman would have made that statement unless he had had faith in the information that had been conveyed to him. The first statement was, that the British Provident Association was established in 1851, and carried on business for eleven years, and that, during the whole of that time, it had three times only—that is from 1853 to 1856—registered its accounts as required by law. Now, Sir, the British Provident Society was established for eight years only, instead of eleven as stated by the right hon. Gentleman. It transferred its business in 1859—it did not commence business until 1852. It registered its balance sheets of 1852, 1853, and 1854; but at the end of that time the Act of Parliament which compelled that registration was repealed unintentionally, and the registrar refused to receive the balance sheet after that date. It so happens, therefore, that a most complete answer can be given to that statement of the right hon. Gentleman. I find that I audited the accounts of that Company but once, and that was in the year 1854-5, when it was a very young institution, its business being under £3,000 a year, and that business being of a sound character. The next statement of the right hon. Gentleman was that the Manager of the Company was John Sheridan. If the House will allow me I will read the words, "An action was brought against the Manager of the Society for interpolating words in a deed which altered its character after execution." Now there is no foundation whatever for that statement. No action was ever brought against Mr. John Sheridan, the Manager, on any such grounds or any other grounds whatever. A feigned issue, as between the official manager and one of the shareholders, was tried in the Court of Chancery, but no charge was made by any shareholder against the Manager, and no action was brought; that statement, therefore, is unquestionably incorrect. The next statement of the right hon. Gentleman was that of course it was necessary that the Society should be brought to book and called on to make provision from the resources of the shareholders for the demands of the policy holders. Not only is that statement incorrect, but directly the reverse of what is the fact. So far from the Company having been compelled to go into the Court of Chancery to make provision for the policy holders from the sources of the shareholders, their business was transferred to another office in 1859; and, so far from the business being bad, a bonus of £6,000 was paid to the shareholders for the business thus transferred. That is such a remarkable fact that I cannot understand where the right hon. Gentleman can have got his information from. I am quite sure the right hon. Gentleman never would have made that statement unless he had received information of that character. I do not for a single moment suppose the right hon. Gentleman did not believe what he stated; but, supposing that to be so, I should like to ask the House, even if the action referred to had been brought against a Sheridan, what on earth that has to do with me. There are a great many persons of the name of Sheridan whose names have been before the public. There is one in Birmingham, an excellent actor; there is one who is the secretary of a society; and lately there was one of that name who passed through the Insolvent Court, and who, it was said, was my son, my son at the time being just ten years old, but I did not take the trouble to contradict the report. There was another of the name of Sheridan, a labouring man, who was accused of murdering his mother and sister. I beg to be allowed to assure the House that I am not the gentleman concerned in any of these cases. I hope, when the Government Annuities Bill is next discussed, I shall not be asked to make further explanations.

THE CHANCELLOR OF THE EXCHEQUER: I am not certain even if I am in order in rising to say a single word on the present occasion; but I think I shall be dealing more fairly towards the hon. Gentleman if, before I attempt to establish what I said, I refer to the documents, papers, and books, upon which I spoke on a former occasion. Having had no intimation that the subject would be revived again to-night, I think it will be better that I should look carefully into the facts of the case; and I will then state precisely what I will undertake to establish, or I will then be prepared to acknowledge whether there are any errors in what I have stated, and if so, whether they are errors of form or substance.

RATES AND TAXES ON OFFICERS OCCUPYING PUBLIC BUILDINGS.

QUESTION.

COLONEL NORTH said, he rose to ask the Under Secretary of State for War, Under what circumstances certain officers paid now and others are for the future to be called upon to pay Rates and Taxes for occupying Public Buildings which have hitherto been free, and also to move for Returns and Correspondence relating thereto? The hon. and gallant Officer instanced some of the cases to which he referred. He wished to know under what circumstances Sir Edward Blakeney, Sir Alexander Woodford, Colonel Sir J. Wilson, and several other officers who were now occupying apartments in Chelsea Hospital, some of the sitting rooms of which were only sixteen feet by nine, had been called upon to pay rates and taxes for their quarters? One of these officers had been sixty years in the service, had been wounded a great many times in battles in various parts of the world; in one battle he was wounded seven times, and he had now two bullets in his body. A demand had been made last week on General Hodges, commanding a brigade of cavalry at Aldershot, for his rates. He did not know under what circumstances the demand had been made, but trusted the Government would consent to produce any Returns which might be calculated to throw a light on the subject.

THE MARQUESS OF HARTINGTON said, he was sorry that he could not give his hon. and gallant Friend an answer, as he was not aware that the Question would be put that evening. His hon. and gallant Friend had had the notice on the paper for some time, and he expected a private warning from him as to the precise day when it would come on. He could only say now that the question of the payment of rates by persons residing in Government houses was a very complicated one. There were great differences in practice in the different branches of the service, and the rule adopted in the navy did not apply to the army. Last year a Treasury Committee inquired into the matter and gave certain recommendations, which had not yet been carried into effect. Before any measures were taken, the authorities at the War Office and the Admiralty would confer, with a view to the adoption of an uniform system. If the hon. and gallant Member would repeat his Question on some future day, he might perhaps be able to inform him what were the intentions of the Government on the subject.

COLONEL NORTH said, he was under the impression that he had given private notice of his Question to his noble Friend, whose courtesy he was bound to acknowledge, when leaving the House one night.

ARMAMENT OF THE ROYAL NAVY.

OBSERVATIONS.

MR. H. BERKELEY said, he rose to call attention to the defective state of the Armament of the Royal Navy. The welfare of the navy was naturally a matter of such deep interest in this country, that he felt he need make no apology for bringing this subject under the notice of the House. He trusted he might assume that a British ship ought to leave her port perfectly built, perfectly manned, and perfectly armed.

As regarded the construction of ships, they were for a long time disgraceful in that respect, the models being largely borrowed from foreign nations, and the best of them from France. Of late years the Admiralty had, however, made great improvements in shipbuilding, and we now possessed the finest navy belonging to any civilized Power. For many years there was also good ground of complaint as to the manning of the navy. Lord Dundonald drew attention to the very bad state of things which prevailed; but it continued for a long time afterwards; and in the time of Lord Minto it was so disgraceful, that one of the Board of Admiralty resigned his seat because he held that the Board did not do its duty on this point. At present, however, no ship was sent to sea without being perfectly well manned with a crew worthy of the British navy. He now came to the third branch of the subject—the armament; and here he regretted that he could not give the same approbation as in the two other cases. We had always been behind foreign countries, and particularly the Americans, in the armament of our ships. At the time when Lord Dundonald was complaining that our ships were manned with the sweepings of the gaols and by dint of press-gangs, the armament was also in a very defective state. We then sent out frigates carrying 18-pounders to cope with powerful ships carrying 24-pounders; and it was owing to that great mistake of the Admiralty that the Americans were able to take into port, with the British ensign lowered, our *Macedonian*, *Guerrier*, and *Java*, that two of our "jackass" frigates were captured at once by a single American frigate. The Admiralty unfortunately did not find out the blunder till too late; but then they despatched the *Endymion*, armed with 24-pounder guns, which fully vindicated the honour of our flag in the contest with the *President*. It could not be said that the latter was vanquished in fair fight, since she struck her flag to a squadron of frigates, but she was cut in pieces by the 24-pounders of the *Endymion*. The next improvement of our guns was introduced by Sir Thomas Hardy, by the equalization of the calibre of the guns throughout the navy, the 32-pounder being taken as the standard. For some time the Americans did not gain any great advantage over us in weight of metal, though they secured a very powerful gun called the Columbiad. We then introduced the Paixhan shell-gun into our navy, which was also used by the French, who however, in addition, had 36-pounders instead of 32-pounders, as we had. He believed that the French still retained their 36-pounders. But what did the Americans do? They were determined to procure a more powerful armament, and they succeeded. A very clever naval officer, Admiral Dahlgren, invented a gun on the Paixhan plan, of nine-inch calibre; and they equipped the whole of their ships with shell-guns of that one calibre. Although our frigates were more shapely to look at, the Americans contended that their ships, armed with nine-inch shell-guns, could pour forth a more formidable broadside. There could be little doubt of the prodigious effect produced by shells. At Sinope the Russians destroyed the Turkish fleet entirely by shells, and with one shell the *Alabama* sent the *Hatteras* to the bottom of the sea. On referring to naval history he found that in one case a French ship received 3,000 solid shot and never went down; but if that ship had received 300 shells, what would have been the consequence? He consequently contended that up to the last few years the American vessels carried more powerful batteries and were better armed than our ships. We had now arrived at the epoch of iron ships. He did not wish to criticize the building of iron ships; he presumed we were at least on an equality with other nations, and he was contented to believe that every Board of Admiralty would carry on the best system of construction. But he trusted we should not fall into the great mistake of supposing that, if we could build iron ships, the Americans could not do the same. Their iron was superior to ours, and the Americans were an ingenious go-a-head people, who would never allow themselves to be beaten by us in any work of this sort. Six years ago, at the battle of Solferino, the Emperor of the French made a complete revolution in the armaments of the world. He there produced a rifled gun which had a greater trajectory power than any that had ever appeared in a field of battle before. So great was the improvement supposed to be that all the nations of Europe set to work to arm their navies and armies with rifled guns. The French had already armed their navy with these weapons. What had we been doing to place ourselves on an equal footing with other countries, and how had we succeeded? We had spent £3,000,000, we had been six years hard at work, and now at last we were going back to the old gun which had been well termed the "Brown Bess" of the navy. The history of our operations was rather curious. It appeared that the Duke of Newcastle met somewhere with an engineer named Armstrong who made a few guns. The hon. and gallant Member for Huntingdon (General Peel) during his administration at the War Office laid hold of the same Armstrong, and it must be confessed that he got more out of him than any one else, for he set Armstrong upon doing that which Armstrong could do, and did not try him beyond his means. Under the superintendence of the hon. and gallant Gentleman, Armstrong produced 12-pounders which were excellent field-pieces, and he also turned out 40-pounders. It was not for him to decide whether the breech-loading principle was the one that ought to be preferred above all others; but this he knew—that it was not the general opinion throughout the Artillery service that the breech-loading system was the best. However that might be, Armstrong made 100-pounders and 110-pounders for the navy; but it was a remarkable fact that all the guns he produced other than those ordered by the hon. and gallant Member for Huntingdon, were dead failures. As our seamen said, they fired at both ends; they blew away their breech plugs, and destroyed the hair and whiskers of our artillerymen with what was called a "mild escape of gas." The evidence taken before the Select Committee was decisive that these guns were faulty and perfectly useless for the navy. Captain Wainwright declared they were the worst guns he ever saw in a sea-way; and his evidence was confirmed by the proceedings at Japan, where the guns were devious in their firing, and in some cases actually refused to go off at all. What was to be done? Were we to go to sleep in the happy belief that the Americans were in the same position as ourselves? He hoped we should do nothing of the kind. *The Times* always befriended Armstrong, but it was remarkable for its excellent correspondence, and it not unfrequently happened that its correspondents went very much in opposition to the gentlemen who wrote the leading articles. In one of his letters, the Richmond Correspondent of *The Times* had stated that Parrott guns in the North and Brooke guns in the South possessed penetrative powers against which no armour plates could avail; he raised a warning voice to his countrymen in England, and expressed his astonishment at the apathy of our War Office and Admiralty, which did not send over competent persons to watch the progress of armament in America, and see it brought to proof in actual warfare. The same gentleman, in a second letter, wrote as follows:—

> "Again I feel tempted to raise a warning voice about the disparity of the armament on board of the English and American navies. It is impossible for those who have been many months absent from England to be well informed as to the actual state of public opinion at the present moment upon this vital subject. But, judging from the officers of Her Majesty's navy, who have at rare intervals brought vessels of war into Confederate ports, it appears still to be held that the 68-pounder, or 8-inch smooth bore, is England's best weapon of offence against iron-clad vessels. The experience gained at Charleston enables me confidently to affirm, that as well might you pelt one of the Yankee *Monitors* or the *Ironsides* with peas as expect them to be in any way damaged by their 8-inch shot. Another disagreeable question forces itself upon an Englishman's attention, when he is cognizant of the terrific broadside thrown by the eight 11-inch guns of the *Ironsides*—one of the most formidable broadsides, in the opinion of the defenders of Charleston, which has ever been thrown by any vessel. Have we any ship in existence which could successfully resist such a broadside, and respond to it with anything like commensurate weight and vigour? I should be faithless to my duty if I did not mention that it is the universal opinion of all the English officers serving in the Confederate army with whom I have conversed, that England is behind America in the weight and power of the guns sent by both nations to sea."

The other day there sailed from Portsmouth one of our armour-clad ships, the *Hector*. She was originally intended to carry 34 guns; but her present armament was 24, of which 20 were the old 68-pounders and four were Armstrong rifled 110-pounders. The facts were given by *The Times*' correspondent at Portsmouth, and *The Times* remarked that when it was considered that the guns on board the *Hector* only fired cast-iron projectiles, it could be of little consequence, as against armour-clad ships, whether she carried 1 or 50 of such weapons. That ship was going to the Mediterranean, and would anchor alongside the *Solferino* and the *Magenta*, which were armed with 6½-inch guns, on the pattern of a certain gun that was tried in 1860 near L'Orient, which carried 27lb. of powder, and which, at 1,100 yards, sent its shot through and through a target representing the side of *La Gloire*. Suppose a war were to break out, and the *Hector* fell in with either the

Solferino or the *Magenta*, what would become of her? But how were we in that state? Because in this age, when our Ministers propounded the doctrine of throwing everything open to competition, they yet allowed a profound monopoly to exist in guns, shutting out all our most competent engineers. Everything must be done by Sir William Armstrong, who, when he made an expensive failure, was not discharged but was left to try again; whereas everybody who opposed him received the cold shoulder. Mr. Whitworth said he had never had a fair trial, though it was said he was now about to get one. Yet Mr. Whitworth had declared that he had no faith in the persons whom the War Office trusted in these matters. Again, there was the Mersey Ironworks Company, represented by the hon. Member for Liverpool, and which had made the Horsfall gun—a weapon allowed by engineers to be of the finest wrought iron that ever came out of a workshop. Their gun had stood every test, and it was presented in the handsomest manner by the company to the Government. Yet, when it was done with, it was thrown into the mud, and the company were never thanked for what they had done, nor employed to make other guns, because that would interfere with Sir William Armstrong. Why were not other persons to be allowed to compete with Armstrong, with Whitworth, or with any one else? To such men the Government turned the cold shoulder, and they were compelled to seek customers elsewhere. The Mersey Ironworks Company were now making excellent guns for foreign Governments. Then there was Captain Blakeley, who was making guns successfully for America and Russia—the same kind of gun with which the *Alabama* sunk the *Hatteras*. He offered to try his gun against the guns of Armstrong or Whitworth at his own expense—offering, Englishmanlike, to back his weapon for a thousand guineas. Our Government, he repeated, gave the cold shoulder to native talent, and that talent was now seeking a market elsewhere. He thought that in bringing the question of our artillery under the notice of the House, he had done no more than it was his duty to do.

THE "PRINCE CONSORT" AND THE "LIVELY."—QUESTION.

SIR JAMES ELPHINSTONE said, he rose to ask the Secretary to the Admiralty, The circumstances under which Her Majesty's Ship *Prince Consort* was ordered to Liverpool in November last, the state of the Ship when the orders reached Devonport, the period which elapsed before she was reported ready for sea, the state of the weather when she put to sea, whether she was officered and manned by her regular establishment or by a crew assembled for the occasion, the circumstances that occurred in the Irish Channel which caused her to put into Kingstown, whether since she returned she has not been found to have been in an unseaworthy condition on that occasion, and the nature of the repairs and alterations she received subsequent to her return, and before she was finally fitted for the pennant? It was necessary that he should explain his Question. Two cases had lately occurred, in the first of which one of Her Majesty's ships was lost, and in the second another was placed in the most serious jeopardy by being sent to render services for which there could have been no ostensible occasion, and services which, in one instance, it was perfectly impracticable and impossible for the vessel which was sent to perform. It might be recollected, that towards the end of November there were very heavy gales in the North Sea. At that time a considerable number of vessels, some of them fishing smacks, and other coasters, were blown off the coast and deemed either to be lost or in great danger, and their whereabouts unknown. The Admiralty were applied to to take measures for rescuing these vessels, and orders were sent to Berwick requiring a gunboat called the *Lively* to proceed to sea for the purpose of finding a number of these vessels whose locality was unknown, in a state of the weather when it was utterly impracticable for her to render any assistance to vessels which were themselves in a far more seaworthy condition than the one which was sent after them. The result was very much what might have been expected. The gunboat was lost under circumstances that were well known to the public; but by whose orders she was moved, or for what reason a vessel of such a character could have been sent on such a wildgoose chase, had never transpired. Indeed, while the Admiralty continued to be administered in an irresponsible manner, it was impossible to discover how and by what means Her Majesty's ships came to be put in danger. The second case was that of the *Prince*

Consort. His information as to this case was derived from the public papers. It was stated that two steam rams, alleged to be constructed for the Confederate Government, were ordered to be detained at Liverpool, and that it was thought necessary to strengthen the force available for maintaining the capture, as it was believed that forcible possession would be taken of those steam rams in the harbour of Liverpool. That was the statement which was generally circulated. At that time the *Prince Consort,* which was then understood to be fitting for the second-class steam reserve, but was certainly not out of the hands of the shipwrights, was all of a sudden ordered to proceed towards the Mersey. The circumstances under which she started were, he believed, these:—The orders came down from London by telegraph, and a crew was instantly turned over from the *Royal Albert* and placed on board the ship. They were very good men and officers, he had no doubt; but the *Prince Consort* was in an incomplete state, and in the month of November, with the appearance of threatening weather, having just time to swing for her compasses, she was forced into the Irish Channel. It was also reported that her behaviour in the Irish Channel when a gale sprung up was bad, that she was so uneasy, that she shipped so much water, that she rolled the whole arc in six or eight seconds, that her scuppers were choked, and that the number of cocks and pipes with which she was fitted was such, that it would take the men three months to understand their use, whereas the ship's company had been turned over suddenly into a vessel with that novel and complicated machinery; that the result was, that in an ordinary gale of wind, in which a ship with close-reefed topsails might have been as safe as a duck, she was reduced to such a distressed state that, with her after furnaces extinguished, she was obliged to seek shelter in the anchorage off Kingstown harbour. He wished, therefore, to have from the Secretary of the Admiralty a categorical answer on these points; and if the noble Lord desired to give such an answer, he (Sir James Elphinstone) would move for the Reports of the officer who was in command of the ship; for he was convinced that there was no sailor in the House who would not agree with him, that to place, at a few hours' notice, a ship of that kind, in a rude and unfinished state, with a crew perfectly new to her, with officers who had not been together—to place her in a position of such jeopardy, was one of the most extraordinary exercises of power of which an Admiralty had ever been known to be guilty. But the House must, sooner or later, get at the source in the Admiralty from whom these orders emanated. It was all very well to go into a Committee-room, and for one First Lord after another to come forward and tell them that they were responsible. Was there any sailor who would have ordered ships in such a condition to sea? Why, was it not monstrous to send a cripple to sea after seaworthy vessels? But that was not the only case. In 1857 a number of Dundee vessels were adrift, and then it was of importance for the Government to secure the votes of certain Liberal Members. In the middle of winter the Admiralty sent two sloops of war, the *Salamander* and the *Bulldog,* to cruise in the North Sea for the five missing Dundee vessels—totally forgetting that as soon as they reached latitude 60 they got into utter night. When they could not see the length of their own ships how could they possibly render assistance to others? Yet the safety of these ships and the lives of their crews had been imperilled by what he could not designate otherwise than as a most profligate proceeding, which no sailor ever could justify. These were cases which it was the duty of the House of Commons to investigate. Two of Her Majesty's ships were endangered, and, he had no hesitation in saying, for political purposes in both cases—in the one instance to oblige some Member of Parliament who wanted to favour his constituents by getting a man-of-war sent after missing merchant ships, and in the other for the purpose of "Bunkum," to show the American Government that we were determined to keep the rams in safe custody, although one had no rudder and the other was incapable of moving, by sending the *Prince Consort* to reinforce Her Majesty's ship *Majestic,* an 80-gun ship, under whose guns they were placed, backed by a sloop of war and a gunboat.

CASE OF MR. THOMAS.

QUESTION.

Sir JOHN PAKINGTON: As my noble Friend the Secretary of the Admiralty can only speak once, I beg leave, before he replies, to put to him the Question of which I have given him notice, relative to the case of a young man whose name is Thomas, a clerk in Portsmouth dockyard, which is one of deep interest to the House and to all the public Departments, as affecting the principle and extent to which the system of competitive examinations for the Civil Service are to be carried. I had no acquaintance whatever with the young man until a short time since he wrote to me, and brought his case under my notice. I do think it one of great hardship, and I cannot help hoping that my noble Friend will reconsider the circumstances of which I complain. The case is simply this:—In 1855, Mr. Thomas was appointed a temporary clerk in the High Court of Admiralty. A few months afterwards he was moved to the dockyard at Malta, and there he became temporary clerk in the Superintendent's office. There he remained until last year. In 1861, after five years' service, he applied to be placed on the establishment as a clerk. The answer of the Admiralty was, that he would be placed on the permanent establishment if he would consent to go through a competitive examination. Very wrongly, as I think, for himself, he consented to undergo a competitive examination with three other candidates. The natural result followed. After five years' highly satisfactory public service he failed, as my noble Friend the Secretary to the Admiralty would, no doubt, himself have failed, and as I am sure I and most other Members of the House would have failed under the circumstances. After this, his case was warmly taken up last year in the most generous spirit by Admiral Codrington, who had been five years Superintendent of the dockyard at Malta, and whose warmest approbation this young man had obtained. He wrote a letter to the Admiralty, and entreated, for the sake of justice, that the young man might be placed on the establishment. Admiral Codrington received the following answer:—

> "Admiralty, March 3, 1863.
>
> "With reference to your communication of the 16th ult., No. 36, forwarding a request from Mr. Thomas to be placed on the establishment, I am to acquaint you that Mr. Thomas, having been afforded an apportunity for obtaining an established appointment in June, 1861, on which occasion he passed anything but a satisfactory examination, and being now over the age of thirty, no prospect of being placed on the establishment can be held out to him."

Thus, after two years more of exemplary service, he is reproached with the misfortune of age, which, of course, is a growing misfortune. Admiral Codrington, acting with the greatest kindness, made another strong remonstrance in these words—

> "Malta, April 30, 1863.
>
> "I feel bound, before resigning this superintendence, to solicit a reconsideration of that case. I enclose a certificate, which I felt bound to give Mr. Thomas; and, as I have had the fullest experience, extending over a period of almost five years, of this gentleman's capacity as a very efficient clerk, I would respectfully deprecate that the examination which he passed in June, 1861, should be taken as a test of his value and efficiency."

I will not trouble the House with the remainder of the letter, or the strong certificate which was enclosed; but I will read the certificate of Admiral Codrington's successor, Admiral Austin, given last July—

> "These are to certify that Mr. Henry Carleton Thomas served as extra clerk in my office from the 4th of May, 1863, when I entered on this superintendence, to this date; and I am happy to confirm the high opinion entertained of him by my predecessor. The cause of his leaving Malta yard is to take up an appointment at Portsmouth yard; and his loss to my office is a source of great regret to Mr. Innes, who conducts the duties of my office."

The only other paper I shall read is one of the strongest testimonials I have seen. It is from Mr. Henry Innes, senior clerk of the dockyard, Malta, and is dated April 30, 1863—

> "Mr. Henry Carleton Thomas has discharged the duties of clerk in this office (temporary list), under my immediate direction, as senior clerk, for considerably over seven years. I have had the fullest opportunities of knowing his value, and appreciating his undoubted intelligence, usefulness, and zeal. From an experience in these departments, in the position of Dockyard Secretary, extending to twenty-one years, I do not know a more thoroughly useful and valuable clerk. In exigencies he has borne the responsibilities of the whole office; and he has proved to me at all times as useful as a right hand."

That is as hearty a testimonial to the merits of this young man as any I have ever read, and was sent to him at the expiration of nine years of public service. It so happened that this young man, when he left Malta, succeeded a gentleman whose case came before me when I was at the Admiralty. A clerk was transferred to the Admiralty who was in the office of the Controller and the Controller asked me to make him a permanent clerk. There was no better man in the service; but I was told he must go through the Civil Service Examination. I immediately replied I would not allow him to go; he had given a better test of efficiency than any competitive examination, having filled the office of clerk for six years with the highest honour to himself. The Civil Service Commissioners said they had no option, but I had the power of appointing him. I had no hesitation in putting aside the Commission, and I appointed that man a clerk. Two years ago, when we had a discussion on appointments to the Civil Service, I mentioned this case, and I was followed in the debate by my late lamented friend Sir George Lewis. I beg my noble Friend's attention to the passage I will read from the speech of Sir George Lewis—

> "There were a great many temporary clerks in the War Office, and, as the result of inquiries instituted by a Committee, it was recommended that a number of these should be transferred from the temporary to the permanent branch of the establishment. That change has been recently effected in the appointments to the Accountant General's Department, and then arose the difficulty, which my right hon. Friend has just pointed out—namely, the injustice of subjecting to competitive examination clerks who, having been for some time in the public service, may be supposed to have forgotten whatever literary attainments they possessed when they left school; or, at all events, who, if their attainments when young were not very extensive, have shown by their conduct in office their fitness for the position of public servants. It appeared to me, as it did to my right hon. Friend, that there was considerable hardship in subjecting those persons to a competitive examination, and, therefore, I decided, after conferring with the Civil Service Commissioners, that such temporary clerks should be subject to a qualifying examination only if they had not previously qualified for the establishment. The Civil Service Commissioners admitted the justice of that view, and made arrangements by which they agreed to grant a certificate upon the candidates passing a qualifying examination." [3 *Hansard*, clxi. 372.]

The case of Mr. Thomas was precisely one of those cases, and I appeal to the noble Lord to carry out the principle so clearly laid down by Sir George Lewis, and to allow this young man to be placed upon the permanent staff. He is married and has a family. His health has suffered from his long service in the climate of Malta, and I have shown the high estimation he is held in for a public servant of his class. The House will understand that the question is one of importance to this gentleman, because upon it depends his claim to superannuation when he retires. What can be urged against him? I hope we shall hear no more about his failure to pass an examination after I have quoted the language of Sir George Lewis. Neither ought his age to be used against him. If it be put forward it is, I think, conclusively answered by the fact, that I have seen a letter signed by the Secretary of the Admiralty of that time, approving of his appointment in the dockyard at Malta. I believe that at the time Mr. Thomas was first appointed a clerk in the High Court of Admiralty he was a few months over twenty-five years of age; but that objection, if urged, is disposed of by the fact that he was appointed to the High Court of Admiralty and afterwards appointed a temporary clerk in Malta dockyard with the sanction of the Board of Admiralty. It would not now be just after a faithful service of nine years to urge that he is disqualified by that very length of service from obtaining the position which he seeks.

FRENCH BREECH LOADING CANNON.

QUESTION.

Mr. DAMER said, he would also beg to ask the Secretary to the Admiralty, Whether there has been any trial in this country of the French breech-loading cannon, firing 30 lbs. spherical shot (and 60 lbs. cylindrical shell), which have by French accounts so well answered, piercing four and a half inches of iron at 1,000 yards?

Lord CLARENCE PAGET: Sir, I will first answer the question which has just been put by the hon. Member opposite (Mr. Damer). We have not had in this country any trial of the French gun to which he alludes, but I think the report which has reached this country of that gun is open to doubt.

I will now notice the observations of the right hon. Baronet the Member for Droitwich (Sir John Pakington). Nothing can be said than what the right hon. Baronet has said with regard to the merits of Mr. Thomas. I believe him to be an excellent clerk, and to be deserving of an appointment if it can properly be given. The right hon. Gentleman stated the case very fairly, but I think he omitted one or two circumstances which are not unimportant. Mr. Thomas, as I understand, was a temporary clerk in the High Court of Admiralty, which, as the right hon. Baronet knows, has as little to do with the Board of Admiralty as with the War Office. He was a temporary clerk, not continuously employed. That is an important point to consider. He was next appointed a temporary clerk under the Admiralty, being then above twenty-five years of age. Now, there is a rule that no person shall be appointed to the establishment who is above twenty-five, unless they have been previously entered as temporary clerks before that age, and employed in the department continuously, in which case the age is extended to thirty. That is the rule by which our proceedings must be governed. The certificate which entitles an officer to superannuation, does not come from us, but from the Civil Service Commissioners. The Duke of Somerset, when he received Mr. Thomas's application, was anxious that that gentleman should be placed upon the establishment, and, therefore, although not strictly within the regulations, he allowed him to be examined competitively (as is the custom for the Admiralty appointments) by the Civil Service Commissioners for an established appointment. Mr. Thomas failed; but I do not think the Duke would have allowed that circumstance to injure a useful public officer; but, unfortunately, Mr. Thomas failed not in competition, but in the subjects which are required by the Civil Service Commissioners as a test of the qualifications of persons who are to be placed upon the establishment. Under these circumstances, the Duke of Somerset had no alternative but to reject him as a permanent clerk under the Admiralty; but he has done all he could for him. Mr. Thomas has been brought home from Malta, and the Duke would be glad if the regulations would permit him to place him upon the establishment. But if rules are made they must be observed. I admit that these rules may, and in this case do, press hardly upon an individual; but so with all general rules there will be cases of particular hardship. If this gentleman had simply failed in competition, the Duke of Somerset would probably have given him an appointment notwithstanding; but as he failed in the necessary qualifications, it was out of his power to do so. In the case referred to by the right hon. Baronet as having been dealt with by himself, in the case of a Mr. Parker, I believe there were some circumstances which differ from the case of Mr. Thomas. In the case referred to by the right hon. Baronet, the gentleman had been a temporary clerk in the Department of the Admiralty, while Mr. Thomas was a temporary clerk in the High Court of Admiralty, which is a different thing altogether.

Sir JOHN PAKINGTON: Mr. Thomas went to Malta in 1856, having been only a few months in the High Court of Admiralty. He succeeded Mr. Parker in his position there.

Lord CLARENCE PAGET: I wish to point out that the gentleman who was put upon the establishment by the right hon. Baronet had been a temporary clerk in the department, and was simply removed from the temporary to the permanent list.

I now come to the Questions of the hon. Baronet the Member for Portsmouth (Sir James Elphinstone), who found fault with the Admiralty in regard to their proceedings in sending the *Prince Consort* to sea, and also in sending out the *Lively* gunboat. I must say it required great ingenuity on the part of the hon. and gallant Gentleman to attribute political motives to the Admiralty for what they had done on these occasions; he thought he would find it more difficult to establish any such motives. The case of the *Lively* was this. There were, as we all know, fearful gales in the North Sea, and a great number of trawlers were caught in them. Great alarm was excited among the families of the fishermen, and among the population of the various ports, and very urgent application was made to the Admiralty to send out vessels to search for and rescue, if possible, the boats that had been blown out to sea. It happened that the only vessels we had available at the time were the *Medusa*, a fair-sized paddle-steamer, and two gunboats. A deputation from the Mayor and Corporation of Hull appealed to the Admiralty. What political influence was there in that?—a mere municipal deputation, without the interference, I believe, of any Member of Parliament. I think that will get rid of the political aspect of the matter. I ask the House what would have been said if the Admiralty, in those awful circumstances, had not sent all the vessels they had at their command to rescue, if possible, the missing crews? We should have been condemned from one end of the country to the other; and my hon. Friend knows that the order of the Admiralty was, that the officer in command of the coast-guard ships should despatch their tenders without loss of time to search for those vessels, and we sent the *Medusa*, a larger vessel. A recurrence of the gale occurred, and caught the *Lively* gunboat when off the coast of Holland, not far from the mouth of the Weser, and she carried away her foremast. Vessels of that class have been all over the world, and why should it be supposed that they are not fit to be sent into the North Sea? The

Lively would probably not have been lost had she not had the misfortune to carry away her foremast, and thus become unmanageable.

SIR JAMES ELPHINSTONE: Was not her foremast stepped on deck?

LORD CLARENCE PAGET: Vessels masted as she was have gone all over the world. What ground is there for the declamation against the Admiralty?—that there was a want of proper administration, and that if the Admiralty had had a responsible head these things would not have happened? I will tell the House that the responsible officer who sent these vessels to sea was the Duke of Somerset, who is quite willing to take the responsibility for doing so. Now as to the *Prince Consort*, I need hardly repeat to the House the reasons which induced the Admiralty to require the services of the *Prince Consort* in the Mersey. There were reports that certain vessels in the Mersey would probably put to sea, and it was necessary that these ships should not be allowed to go. The *Prince Consort* was not unfitted. She was ready; and, moreover, the Controller of the Navy had expressed a wish that she should have a trial at sea under steam. The crew was put on board—for under our present arrangements we can put a crew on board in twenty-four hours—and within forty-eight hours after the order was issued she went to sea. It is true that the men, having been only so short a time on board, did not know all the various arrangements of the vessel with respect to stores, and hatches, and matters of that sort; and, unfortunately, the moment she left Devonport there came on a very heavy gale of wind, and when she rounded the Land's End she experienced one of the heaviest westerly gales that have been known for a great number of years. She rolled—I need not tell you that our armour ships do roll; it is a peculiarity of our armour ships that they do roll. Had she been in a long sea—had she been on the Atlantic—probably she would not have shipped any water, because we know that a long sea is better than those short seas which prevail in the Channel for a large vessel like the *Prince Consort*. Well, she got into the Race of Holyhead, where, as every one knows, the sea boils. She took in water; the water was over her engine-room, and matters began to look serious. She came up to the South Stack; but the captain, finding that he could not bear into Holyhead with safety hauled his wind and made for Dublin. It so happened that for some time the vessel lay to; and while she lay to she did not take in water, but when her head was forced against the sea she took in water over her bows and over her sides; in fact, she shipped a great deal of water; and when they reached Dublin all on board were very glad to get her anchors down and her pumps rigged. It was found that the vessel had not leaked, but it was reported that there had been some straining. I will state what was the cause of this fine vessel having such difficulty in clearing herself of the water she shipped. We did not like to make holes in the armour-plates of these ships, and therefore the scuppers were carried below, coming out under the armour-plates in the *Prince Consort;* but the result proved to be, I believe, that there was no free escape for the water. Having found by experience that this plan of placing the scuppers is not a secure one, we have made a change, with the view of avoiding a recurrence of what took place in this instance. When the *Prince Consort* came back, she was thoroughly examined, and wishing to see her with my own eyes, I went and saw her in dock. Nautical men know that if a vessel is strained you can tell that by the streaks which appear on the copper of her bottom; but there was nothing like an appearance of straining about this vessel. I had better inform the House that I shall not be understating the matter when I say that the cost of repairing the accident to the *Prince Consort* will be under £1,000. It is quite true that, while she has been in dock, we have laid out a great deal of money on her; but that has nothing to do with the gale, but is for work done to prevent galvanic action from taking place between the copper bottom and the iron plates. I do not suppose my hon. Friend means that we should condemn one of the finest vessels in the English fleet. We have proved the *Royal Oak*, which is her sister ship, in every respect. The *Royal Oak* is out in the Channel squadron, and the captain reports that she is a first-rate seaboat. I think that is an answer to my hon. Friend, with regard to the misfortune which happened to the *Prince Consort*.

With regard to the question of the hon. Member for Bristol (Mr. H. Berkeley), I should have wished that my noble Friend the Under Secretary for War had had an opportunity of answering the remarks of the hon. Member, because we are not in charge of the manufacture of guns. All we do is to make requisitions on the War Office, and to grumble if we are not well served; and I do not disguise from the House that, on several occasions, we have been disposed to find fault with the Armstrong guns we have had to carry. The hon. Member seems to think that, for some time past, the Americans have had guns more efficient than ours, and carrying shells, while we have had only the old round shot and a few shell guns. The hon. Member is quite mistaken. For a great number of years we have had shells for every gun in our ships; for our 32-pounders, our 68-pounders—in fact, for all our guns; and, therefore, we are not behind the Americans in that respect. I do not mean to deny that the Americans have attached more importance than we have to guns for shells only; but this raises a very important point of dispute between the Americans and ourselves. The Americans attach great importance to what they call "smashing effects of heavy projectiles with low velocities" but they do not estimate, as we do, that high rate of velocity and range which we strive to obtain in our guns. They think that a heavy projectile with a low velocity will have a greater effect than a lighter projectile with a high velocity. There is much to be said on both sides of this question, and I do not mean to enter on it; we have attached more importance to guns of great range. Their guns have not the same range as ours. The hon. Member said that we had nothing but the old "Brown Bess." He could not have attended to what I said in moving the Navy Estimates, or he would not have arrived at such a conclusion. I said on that occasion that the Admiralty was not satisfied with the 110-pounder Armstrong; but while I said that, I do not mean to convey that we condemn altogether the Armstrong guns. These guns were used during the action at Kagosima. From the flagship, the report of performance was this—that some of the vent pieces broke or blew out, and in one ship the vent piece did what was a great deal worse than blowing out—it jammed. The consequence was, that the gun was *hors de combat* for some time—for about half-an-hour. But it is stated that the precision and range of these guns were extraordinary, and likewise that the precision in the bursting of their shells was something marvellous. It is true that on board other ships they did not give a good report.

Lord Clarence Paget

They said that the guns did not show very great precision. In fact, they condemned the 110-pounder Armstrong. On reading these reports, I am disposed to admit that there are great defects in these guns; but, at the same time, I think that they have considerable advantages in respect of range. Still, we have not been satisfied, and consequently the Duke of Somerset within the last two years communicated to the War Office—and he did so before the death of Lord Herbert—his earnest desire that there should be a good, wholesome, simple smooth-bore gun for the navy. He said, "I shall be very glad to use Mr. Whitworth's guns and Captain Blakeley's guns if they succeed; but meantime, while all these difficulties exist, let us at least have for the navy something simple which will pierce these armour-plates." Accordingly the War Office prepared drawings for a gun of this description. They were limited to 6¼ tons, because we considered that that was the limit of the weight which seagoing ships should carry in their broadsides. The War Office said that for that weight they could give us a 9-inch gun, a smooth-bore; to carry a spherical shot weighing 100 lb. Experiments were made, and we are satisfied with the gun—for the time at all events. We have had very successful trials of it; that is to say, it has pierced 5½ inch plates; and accordingly we have made our requisition upon the War Office for a certain number of these guns for the armament of our ships. But we have not rested satisfied with this, and our very heavy ships, the *Minotaur* and the *Bellerophon*, will be armed, experimentally, with 300-pounder Armstrong guns—that is to say, with 12 ton guns, carrying spherical shot of 150 lb. weight. The hon. Member would say that Mr. Parrott's or Mr. Brooke's guns were better than these. I am not prepared to say upon the whole whether they are or are not in advance of ours. As regards America, I give my opinion to this House that we are not in a position to say which country has the best of it. With regard to the French, my honest belief is that we are more advanced than they are. That is the state of the case, and if you ask any intelligent French officer I believe he will tell you the same. The French navy depend upon the 36-pounder gun bored and rifled and carrying a rifle projectile of 60 lbs. weight. I know the French navy have tried breech-loading guns on board the *Magenta* and *Solferino*, but I likewise know that their officers do not like them and do not think those guns successful. By the courtesy of the American Government we have been able to send an intelligent officer of the navy over to that country. He is looking at their gun manufactories, and I hope we shall have full information as to what guns the Americans prefer and what progress they have made. I can assure the House, however, that in this matter of guns, notwithstanding what is said out of doors, it is very doubtful yet whether any country is more advanced than we are.

GENERAL PEEL said, he did not admit the doctrine laid down by the noble Lord, that the War Office was responsible for the ordnance of the navy. On the contrary, if there was one thing distinctly shown before the Ordnance Committee, it was that the Admiralty was responsible for what guns they put on board their vessels. The Admiralty decide what guns they will have, and then send their requisition to the War Office for smooth or rifled guns, as they thought best. The Government, with which he was connected, decided on the Armstrong gun, because the Committee confined their Report entirely to guns for service in the field. The only guns ordered were 12-pounders and 40-pounders, and he believed it was admitted that the 12-pounder was the best field-piece in any service, and he had the satisfaction of hearing the noble Lord say the other night that the 40-pounder was equally satisfactory. The only gun ordered by Lord Derby's Government larger than the 40-pounder was a 70-pounder, on the requisition of the Admiralty, for the purposes of experiment only. It was for the Admiralty to decide if they approved of a gun or not; and, having been a member of the Ordnance Committee, which sat two years ago, he did not blame the Admiralty for ordering a particular gun, but he did blame them for ordering 500 110-pounders without first making sufficient inquiry. Lord Derby wrote an official letter to the War Office, in which he stated, the Ordnance Committee having approved of 12 and 40-pounder guns, he strongly recommended that guns of a larger calibre should not be introduced into the service without much further trial. He did not, however, blame the Admiralty for having ordered these heavy guns, because there was a great pressure upon them at that time, and they took what was believed at that time to be the best rifled gun that could be had. All he said was that the War Office was not responsible, but that it was on the requisition of the Admiralty that these large guns were ordered.

LORD LOVAINE, in reference to the case of Mr. Thomas, said, that it appeared extremely hard that a man who had served nine years in a continuous service should be informed that he could not be permanently employed, because he had served for five months in another department. He had been deprived, in consequence, of the advantage of over eight years' service, whilst Mr. Parker, a more fortunate person, and who had not committed the irretrievable fault of being in another department for a few months, was placed on the permanent establishment after five years' service only. He thought it a very poor excuse, and that it was not dealing out even-handed justice.

SIR FRANCIS BARING said, he understood from the statement of the noble Lord the Secretary to the Admiralty, that the Duke of Somerset was prepared to overlook the small objections in Mr. Thomas's case, but the latter was unable to pass the qualification examination, and that, consequently, he had no alternative but to withhold the appointment. He called the attention of the Chancellor of the Exchequer to the hardship of this case, and asked him to consider whether an alteration could not be made beneficially for the public service. There were several similar instances which had caused considerable dissatisfaction. It had often occurred that a temporary clerk had for many years discharged his duties with the greatest satisfaction to the heads of the department, and had obtained the highest character in the office, but when he went up for the qualification examination he was unable to pass, and the Examiners, as they were bound to do, rejected him. The qualification examination was used as a test whether or not the person was able to perform the duties; but what better proof had they that he was able to do so than that he had efficiently and satisfactorily discharged them for a number of years? He was unable to see how the Duke of Somerset could have done otherwise than he had done under the existing rules; and he (Sir Francis Baring) mentioned the circumstance in order to bring it under the consideration of the Government with a view of their remedying the evil so justly complained of. He suggested that in future where the head of the department certified that a clerk had performed his duties satisfactorily for a certain number of years, that clerk might be relieved from examination.

Sir FREDERIC SMITH said, the hon. Member for Bristol (Mr. H. Berkeley) seemed under the impression that Mr. Whitworth had not had fair play; but, as one of the members of the Ordnance Committee, he was able to state that the whole of the case was most closely investigated. The Committee had before them Mr. Whitworth and Sir William Armstrong, and they were both examined. But the fact was that Mr. Whitworth seemed never to have his gun ready for the trials that were thought necessary. He was ordered to make a gun, but when the Committee assembled it was found he had not made the gun, and consequently he was not there to try it. He was, however, glad to find that Mr. Whitworth had received an order to make some guns, as Sir William Armstrong's guns had not answered to the extent that was expected. He thought there was no reliable inference to be drawn from a comparison of the American guns and our own, with our present amount of information, because there would always be a variation in the strength of the targets, however carefully they might be constructed; and, besides that, we had to consider the calibre of the gun and the charge used. It had been acknowledged by the First Lord of the Admiralty and the Commander-in-Chief, in evidence before the Committee, that we had no gun of a large calibre that we could rely on, and the Captain of the *Warrior* and others thought that large breech-loading guns would be dangerous weapons to use at night quarters. No naval or military officer who had seen the 110-pounder guns could doubt that if they were to be used as breech-loading guns the charge of powder must be reduced, and then probably they could only be used for shells and not for shot. That was a matter that required great consideration and investigation, for if one of these guns should burst between decks when in action, there would be great difficulty in getting the men to fight the remainder of the guns, should the ship be armed with them. He hoped the Admiralty and the War Department would continue to give their attention to the improvement of this gun. He had not the least doubt that if they would offer a suitable reward to any one who would make this 110-pounder a safe breech-loader, some mechanical genius would be found to do it.

Sir Francis Baring

ECCLESIASTICAL COURTS.

QUESTION.

Mr. HENRY SEYMOUR said, he would beg to ask the Secretary of State for the Home Department, If it is the intention of Her Majesty's Government, during the present Session, to introduce measures for the reform of the Ecclesiastical Courts and Registries in England, which were promised last Session? The subject had been brought before the public for some years, and the present state of things was a great hardship to the poor working clergy. The right hon. Gentleman the Home Secretary had not fulfilled his promise of last year, that he would bring in a Bill; but week after week had passed without any Bill being introduced, and it was said that there were great difficulties in the way, in consequence of the impossibility of getting the Prelates to agree to the provisions of any Bill. If they waited for that, they would have to wait a long time, and he hoped the Government would introduce measures at once on their own responsibility to remedy the evils which had long ago been proved to exist. He trusted that another Session would not be permitted to pass without the introduction of a measure to remedy these admitted evils.

Sir GEORGE GREY said, he had not given any promise on the subject last Session, but he had said that the Lord Chancellor had a Bill in preparation, and, indeed, it was shortly afterwards prepared. He quite agreed that it would be wrong of the Government to abstain from bringing in a Bill until all the Prelates were agreed; but last year the Lord Chancellor had a meeting, at which several of the Prelates and other persons were present, to endeavour to ascertain what amount of support the Clergy Discipline Bill was likely to obtain. The Lord Chancellor was satisfied that there would be great difficulty in passing the Bill which he had then prepared, and he had abandoned the case as hopeless. Nor did he (Sir George Grey) entertain any sanguine hope that he should be able to pass a Bill this year. With regard to the Courts and Registries, about which there was not the same difference of opinion, he had communicated with the Lord Chancellor, and, without giving any positive promise, he might say that the Lord Chancellor hoped to be able to introduce a Bill this Session.

Motion *agreed to.*

SUPPLY—NAVY ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

(1.) £1,275,316, Wages, to Artificers and others at Home.

Vote *agreed to.*

The CHAIRMAN being about to put the next Vote for Wages of Artificers abroad—

Sir HENRY WILLOUGHBY—Is the Vote passed? [The Chairman: Yes.] Why, there was a distinct declaration and promise on behalf of the Government that the Civil Lord of the Admiralty should make a full explanatory statement of the causes which had led to the large increase in this Vote. The hon. Gentleman (Mr. Stansfeld) rose to make that statement, but sat down again without doing it, and the Vote was passed. Why has not the statement been made according to promise?

Mr. LINDSAY: I move that the Chairman report Progress. Upon the Vote, which it appears has been passed with great hurry, the Government gave a distinct pledge that we should not be asked to grant a single penny until the Civil Lord of the Admiralty had fully explained the reasons of this great increase of £300,000 in the expenses of the home establishment. He was ready to do it, if I mistake not—he had his papers in his hand—but for some reason or other he was told to sit down, and the Vote was hurried through. Is that the way in which the Committee of Supply is to be treated?

Sir JAMES ELPHINSTONE: I second that Motion. A more extraordinary proceeding I never saw. The Vote is put, and *hey presto!*—and before we know where we are—it is passed. The Committee is taken completely by surprise. We come down to hear the hon. Gentleman who has shone in this House as the champion of oppressed nationalities under a new character, and we are disappointed in this way. He promised us that on this Vote he would explain this huge volume, which is called a Labour Chart; and, though I have had some experience of charts, I should not like to sail my ship by it, for I understand from Gentlemen who have filled his position that it is based altogether on wrong principles, and will be found, in fact, to be a wreck chart. No doubt that is a convenient mode of proceeding for the Government to get out of promised explanations in this way; but I hope the Committee will not submit to it.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."

The CHAIRMAN: I should be sorry if, through any inadvertence of mine, any irregularity has occurred. I beg to say that there was nothing like hurry in passing the Vote. I put it in the usual way, paused on it to give any hon. Gentleman the opportunity of rising to speak upon it—and, as no one rose, passed it. I was not aware that the hon. Member for Halifax (Mr. Stansfeld) wished to make any statement upon it. If it is desired to reduce the Vote it must be re-committed; but if it is only desired that the hon. Member for Halifax shall make his statement, it is competent to him to do so on the Motion for reporting Progress.

Sir JOHN PAKINGTON: In answer to what has just fallen from the Chairman of Ways and Means, I am sure I only express the sense of the Committee when I say there is no inclination to attribute any blame to him. I do not think any one complains of him, for he only fulfilled his duty in putting the Vote which had been placed in his hands in the usual way. But what has occasioned surprise, and something more than surprise, was the rapidity with which the Vote was placed in the Chairman's hands. There certainly was an understanding on a former evening that, looking at the magnitude of this Vote, and its great importance, involving a very large expenditure in the dockyards—a branch of expenditure towards which it was generally understood the attention of the Civil Lord of the Admiralty had been specially directed during the recess—we should hear from him the results of his labours. We were all startled to find that, notwithstanding all his investigations, instead of being diminished by his economical views, the Vote had increased by £160,000, and we expected to hear some explanation upon it. As an illustration I may mention that, meeting a friend in the street, he said to me, "Do you think we shall get to Malta dockyard to-night," I said, "I very much doubt it, as it is generally understood the Civil Lord will speak for two hours on Vote 8," and I believe every hon. Member fully expected that, following the arrangement of a former evening, the Civil Lord was ready to give a full explanation of the Vote and of his labours during the recess.

The CHANCELLOR of the EXCHEQUER: I was not fortunate enough to catch the Chairman's eye, or I might have spared the hon. Baronet the trouble of the remarks which he has just made. A miscarriage has occurred, and we have to see in what way it can best be overcome. Of course, the object of the Government is to place the Committee in the same position as if the mistake had not occurred. There must be some inconvenience, but, in order substantially to prevent the liberty of discussion being fettered, we are ready to give a promise that the Vote which has passed prematurely and inadvertently shall be recommitted, so that the House may have the same opportunity of considering it as if it had never been proposed. There is one thing in the way. It cannot be recommitted to-night. The only mode is to report the Vote, and then re-commit it, and we cannot report it the same night as it is passed. If it suit the views of the Committee, as the next Vote refers to the same subject-matter, my hon. Friend will make his statement upon that, and the discussion can then be taken on his statement. As far as voting is concerned on the Vote which is passed, there will be an opportunity on the next evening of Supply to deal with the items as the Committee please. I wish the forms of the House would permit a more convenient course, but in substance this arrangement will permit full liberty of discussing and voting on Vote 8.

Mr. BRIGHT: It seems to me the plan is not a very good one of discussing one night and voting on the subjects of discussion on another night. This is not exactly what I call a miscarriage. It appears to me to have very much the appearance of a trick. I do not know who is guilty of it. I do not think the hon. Member for Halifax (Mr. Stansfeld) acted upon his own mere Motion. I was attending to what passed at the table, and so was my hon. Friend the Member for Sunderland, who takes a most intense interest in the Vote, and yet this million of money slipped through without our knowing it. The hon. Member for Halifax, it is notorious, had intimated his intention of making a speech on the Vote; but, on rising, he was told to sit down. There appears to me something in what has occurred very insulting to the House, and very unfair; and, although it is difficult to provide a remedy, we ought not to allow such a thing to be done with impunity. The very last thing which anybody connected with the Government should endeavour to do is to take advantage of the House and the Committee upon a question of money and upon a Vote of this magnitude. I think the proper course to be to report Progress, so that we may have the discussion and the Vote on the same evening.

Mr. LINDSAY: If we report Progress now, we shall be brought into the exact position we were in when this Vote 8 was taken. I cannot withdraw my Motion.

The CHANCELLOR of the EXCHEQUER: The hon. Member for Birmingham (Mr. Bright) has made use of expressions which I do not quite see how he can justify. He said something about something having been done insulting to the House, and bearing the appearance of a trick. What is insulting to the House and bears the appearance of a trick must proceed from some person. A mistake has happened. It is not an insult to the House, and it is not a trick. The hon. Member for Birmingham should not use such terms unless he is prepared to indicate the person who has been guilty of that insult or that trick. The matter was done within the view and hearing of many hon. Gentlemen. My desire was to save the time of the Committee, and not to lose entirely the discussion to-night, but we will cheerfully be bound by what is thought to be the convenience of the Committee. If, in consequence of this miscarriage, the hon. Member for Sunderland, the right hon. Baronet, and others, are desirous that Vote 8 shall not be discussed to-night, we will not proceed further with the Navy Estimates. But we cannot accede to the Motion to report Progress. There are two supplemental Votes—one for the probable deficiencies of the grants for army services, and the other for the Scheldt tolls, with which it is really necessary to proceed, because, if we do not pass those Votes to-night, the House must sit on days when it does not intend to sit, in order to get the Appropriation Bill before the Recess. We ought to proceed with the Supplemental Estimates, and therefore it will be our duty to take the sense of the Committee on the Motion to report Progress.

Sir HENRY WILLOUGHBY: I think that this matter has arisen from an unintentional error of the hon. Member for Halifax. His mistake was in putting the Vote into the hands of the Chairman before making his statement. The correct course would have been to make his statement first.

Mr. LINDSAY: I am entirely in the

hands of the Committee, I do not wish to stop the Supplemental Votes. As long as no Votes in the Navy Estimates are taken to-night, so that we may be placed in the same position as when the Chairman took the chair, I shall be satisfied, and will not press my Motion.

Motion, by leave, *withdrawn.*

MR. BRIGHT: I beg the Chancellor of the Exchequer to understand that he was not in my eye when I thought something unfair to the House had been done. I know he is not capable of it. If anyone else was, I hope he regrets it.

LORD CLARENCE PAGET: As the hon. Member exonerates the Chancellor of the Exchequer, he must inculpate either the hon. Member for Halifax or myself. I am perfectly certain my hon. Friend had no intention to deceive the House. He got up to make his statement, and when he found that the Vote had been put and decided, he sat down.

SIR FREDERIC SMITH: I must complain of what has occurred, as when it came on, I was prepared to bring forward the case of the Joiners. I hope the Government will afford an opportunity on another occasion for a discussion on the subject.

SUPPLY—SUPPLEMENTAL ESTIMATE.

THE SCHELDT TOLL.

MR. PEEL moved a Supplemental Estimate of £175,650 for the redemption of the Scheldt dues. He had to state in explanation of this Vote that a treaty had been entered into between the various Powers of Europe, and Holland and Belgium in particular, the object of which was to redeem the tolls leviable by the former country on vessels navigating the river Scheldt and proceeding to and from Belgian ports. With that view, it was provided that Belgium should pay to Holland the capital sum of £1,450,000; and that Belgium should receive a certain amount of money from other countries, which were called upon to contribute according to their relative interest in the navigation of the Scheldt, as represented by their respective amounts of shipping in that river. As regarded the obligation to pay the money in the case of this country, he need, of course, hardly say that the matter was entirely subject to the approbation of Parliament. By the Treaty of 1839, which provided for the final separation of Belgium from Holland, it was agreed that Holland, as being the Power which occupied both sides of the lower part of the river, in consideration of her former rights over that river, and of her having consented, also, that the navigation of the river should be free, subject only to the payment of a toll, should be empowered to levy two florins per ton on every vessel going up or down the Scheldt to or from any of the Belgian ports. The Government of Belgium, finding that the effect of the toll would be to act as a differential duty, to the prejudice of the interests of its own commerce, especially at Antwerp, and in favour of the rival port of Rotterdam, undertook—not being obliged to do so by the treaty—to relieve their own vessels and foreign vessels from paying the toll, reimbursing the Government of Holland in the same manner as if Holland had herself collected the dues. The arrangement thus entered into by Belgium had since continued in force; but some time ago Belgium began to complain of the increasing sums annually required to satisfy the demands of Holland under the treaty, and represented the probable necessity she would be under to discontinue making the payments in question on behalf of foreign vessels, and to call upon those vessels to pay the toll on their own account. Now, in the Treaty of Commerce, which was signed a year or two ago between this country and Belgium, it was expressly provided that the latter should pay the tolls on English vessels so long as she continued to pay them on her own; but in the course of the negotiations which preceded the conclusion of that treaty, the Government of Belgium called the attention of the various Powers of Europe to the existence of those tolls, and the increasing sums annually demanded because of them by Holland. The amount of the tolls paid by Belgium in 1851 on British and foreign vessels was, it appeared, only 823,000f.; but it had gone on increasing year by year, until in 1856 it reached 1,499,000f., in 1860, 1,886,000f., and in 1861—the last year for which there were any Returns—2,176,000f., or about £87,000. Finding that the annually growing charge thus created very much embarrassed their finances, the Government of Belgium had called the attention of the other Powers of Europe to the subject, pointing out the resemblance which existed between the redemption of the Stade dues in 1861, of the Sound dues in 1856, and that which in the case of the Scheldt toll they proposed.

Their scheme of redeeming the toll was not, however, at once acquiesced in by those Powers to whom the proposal was addressed. There could, at the same time, be no doubt that Belgium might at any moment call upon foreign vessels to pay the charge for themselves ; and eventually it was deemed expedient that the toll should be redeemed. That decision having been arrived at, it was, he thought, desirable that it should be redeemed as soon as possible, inasmuch as the amount payable to Holland was rapidly increasing. The sum, for instance, paid upon English vessels in 1851 was only 200,000f. ; while in 1857 it had risen to 536,000f., and in 1861 to 668,000f. The total amount guaranteed to be paid by the Government of Belgium to that of Holland, under the Treaty of 1839, on account of those dues, was, he might further observe, 17,141,640 florins—a sum which appeared to be arrived at by giving thirty years' purchase for the average amount of the toll for the last ten years. The proportion with which Belgium charged herself was £550,000. Great Britain was to contribute towards the redemption of this toll the sum of £350,000. This amount had been arrived at by the value of twenty years' purchase of the average amount hitherto paid by Belgium on behalf of British vessels during the last ten years. It might appear to some hon. Members that the consideration for the payment of this sum was rather of a contingent character. Up to the present moment the Belgian Government had paid these tolls for British vessels, but they had the power, and might use it, of requiring the different countries to pay the toll for themselves. The Belgian Government had in some measure compensated itself by levying heavy tonnage and pilotage dues on British vessels ; but they now consented to repeal the tonnage dues altogether, and to make a great reduction in the pilotage and harbour dues in consideration of the payment in question. The relief afforded by these reductions and remissions would amount, it was calculated, to several thousands a year. With this explanation he would leave the Vote in the hands of the Committee.

(2.) £175,650, Moiety of Charge for the Redemption of the Scheldt Toll.

Mr. AUGUSTUS SMITH said, that the Treasury never produced the Civil Service Estimates as soon as they ought to do. [Mr. Peel : This is a Supplemental Estimate of last year, 1863-4.] He did not see how such a Vote could be put into the accounts of last year, and the right hon. Gentleman's explanation only showed that the House ought to have had this Estimate before it on the first day of the Session, if not indeed at the end of last Session. The proposition now before the House was of the most extraordinary character. It went further than the redemption of the Stade and Sound dues, because those were payments to redeem charges for which this country was actually liable ; while this was a proposal to redeem a toll for which we were not liable, and which we were not now actually paying. The opportunity ought to have been taken by this treaty to make some arrangement in regard to our reciprocity dues with Belgium. He wished also to know why it had not been made a condition that Belgium should take off the duty on rags. Belgium not only levied an export duty on rags, but also levied a duty on the import of paper from this country. When the Foreign Office were dealing with a Power like Belgium, they ought to have taken steps to put our manufacturers on a fair footing with those of Belgium and other countries. The Committee had been told that one of the advantages to be gained by this payment was a great diminution of pilotage dues, and a reduction of the local taxes imposed by the city of Antwerp. A tariff of the reduction of the pilotage dues was given, but there ought to have been likewise a tariff of the local taxes of Antwerp and the amount reduced. With regard to the present sum he thought the country was called upon to pay more than its fair proportion. The share of Great Britain appeared to be about one-half of the sum paid by foreign nations, and would amount to about two-sixths of the whole sum to be paid ; while he could not perceive that the United States were called upon to pay anything at all. He trusted that some further explanation would be given of this Vote.

The CHANCELLOR of the EXCHEQUER said, the question immediately before the Committee was not very intimately connected with the commercial law of Belgium, to which his hon. Friend had referred. The commercial policy of Belgium was far from having attained that progress which they would desire to see ; but then it was not to be judged either by the abstract truths of political economy or even by the best existing standards. What ought to be taken into consideration was what advance the Belgians had made. Belgium was one of the most prosperous and enlightened nations of Europe, and if in one respect it was somewhat backward, still it had made a very great step in advance, with which they were bound to be satisfied. But with regard to the original question, the proposal was one which did not stand so much upon any one broad abstract principle as upon a consideration of the combined effect of all the circumstances which bore upon the case. In the first place, the precedents which were set in the case of the Sound and Stade dues was a vital element in the question. It appeared, after the example of the Sound dues, it was impossible not to take the same course with the Stade dues; and though it was open to argument whether we were not much more liberal than we ought to have been in the case of the Sound dues, that was all past and gone. It would be hardly worthy of a country like this, for the sake of the sum involved in the settlement of this the last case that could arise, to create insurmountable difficulties where the precedents drawn from its own conduct ought to have led it to go forward. The Stade dues were paid by ships going to Hamburgh, but which also went to the supply of the whole of Germany; and the same was to a great extent with the Sound dues. In the case of Antwerp a considerable part went to the supply of Belgium, but not exclusively for Belgium, for there was a large transit trade which brought it within the analogy of the Sound and Stade dues. It had been said that the Sound and the Stade dues were actually paid by our ships, whereas the Scheldt dues were not. But that objection was more important in theory than in practice; because though up to the moment of extinction Belgium was not induced to cast that burden upon our shipping, she had it in her power to do so, and she could and would have done it. Therefore, it was much better to have made an arrangement which would remove for ever a subject of disturbance than to have allowed the toll to be imposed and afterwards to seek for its remission. But there was another important matter which ought to induce the House to give a favourable consideration to the proposal. It must be remembered that these dues grew out of political arrangements necessary for the peace of Europe. Nothing was more vital to the peace of Europe at the period he alluded to than that the relations between Holland and Belgium should be placed upon an amicable footing, and nothing was more creditable to the Government of Lord Grey than the wise and effectual manner in which they brought the influence of this country to bear by peaceful means upon the allaying of disputes which at one time threatened, and very nearly became, the cause of a general and aggravated European war. The title of Holland, in point of law, anterior to the separation was unquestionable. It was true the toll upon the Scheldt had long been in abeyance, because when France obtained possession of the Flemish provinces and separated them from Holland, she did not allow the toll to be levied. And, again, when by the Peace of 1815 Holland and Belgium were united, the toll was not exacted. But immediately that the two countries separated the title of Holland revived, and she was not to be expected to give up her right. On the other hand, the living generation of Belgians were not disposed to submit, and a great variety of complicated negotiation was the consequence. His noble Friend at the head of the Government, in connection with the other Powers, had taken a great deal of trouble to arrange the matter, and they were content with an imperfect arrangement rather than run the risk of still further disagreement. We incurred a great responsibility in placing this toll upon Belgium, and, looking at the matter practically, it was very difficult to take an active part in arrangements connected with the foundation of new States, or great alterations in their condition without incurring heavy pecuniary liabilities. England did not get out of her intervention in the affairs of Greece without having incurred this liability; and France, which was now engaged in the foundation of a new order of things in Mexico, was not likely to get out of the business without incurring a large pecuniary loss. In the case of Belgium we took part in a most beneficial arrangement, to the great advantage of commerce, and now we were called upon to pay a sum which, perhaps, in point of abstract right, we were not under an obligation to pay; secondly, the arrangement would lead to the remission of taxation, which the Belgians were entitled to levy on our trade; and lastly, we were influenced by political considerations. As to the United States, it was a rule with them not to enter into joint mixed treaties with European powers; but they had a separate treaty of their own, in which they took precisely the same share as if they had entered into the treaty with the other Powers. Holland was not one of the Powers named; but then Holland thought fit to exempt her own ships, and the effect of that was to give a bounty to Dutch ships engaged in the trade of the Scheldt. That was another reason for justifying the course which Her Majesty's Government had pursued. With regard to the amount, he admitted that it was a large sum, but that proposed was a great deal larger, amounting to nearer £500,000 than £400,000. By great exertions the sum had been reduced to £350,000; and he believed that, upon the whole, the House of Commons, taking that equitable view which it was accustomed to do on those questions, which were of a mixed character, would consider the arrangement a wise and a sound one. With regard to local taxes, his hon. Friend (Mr. A. Smith) would, on reflection, see that these were not matters that could not enter into an international treaty. They were levied for purely municipal purposes, and on that account could not be included in an arrangement such as that which he had explained.

Vote *agreed to.*

SUPPLY—SUPPLEMENTAL ARMY ESTIMATE.

The Marquess of HARTINGTON said, that in moving the first Vote of the Army Estimates the other night, he stated that he should have to lay on the table a Supplemental Estimate, to be added to the Estimate of the current year; and this Estimate, now on the table of the House, would show that the description he gave of it the other evening was entirely borne out. The largest item in the Estimate is £119,892, for disallowances made by the India Office on the accounts rendered to that Department by the War Office for advances for regiments serving in India during the period from 1854-5 to 1860-1, at which date the system of capitation allowances first came into operation. Up to that time certain charges were incurred for keeping up a British force in India, and there were likewise certain charges at home. This became matter of account between the Government of India and the Government of this country, and it was obviously impossible that the account could be made up to a late date. After 1861, when the capitation system came into operation, he did not believe that there would be any more accounts of that nature. The Committee should also bear in mind that the sum of £119,892, taken for this purpose, would be much more than covered by a sum of £301,349, which the India Office paid into the Exchequer; but by the system now in force it was necessary to ask for a Vote for the £119,000, without being able to take credit for the other sum of £301,000. The war in New Zealand was almost the sole cause of the rest of the Vote of £409,000 now asked for. A large sum was required for increased regimental pay for the troops serving in that colony. The numbers of the regiments serving in New Zealand are raised considerably above the establishment at which they would have stood at home, and consequently the amount of the regimental pay and allowances was increased. A large expense was occasioned by the purchase of horses for the Artillery and Military Train, by the high price of provisions, resulting from a great influx of military into the colony, by the high rate of lodging for the officers and troops, and by providing store-houses. After the very detailed statement which he made of these charges on a previous occasion, he did not think that there was now any necessity for occupying the time of the Committee on the subject further; and he therefore, to propose the Vote, the total of which was £409,000, moved that the sum of £409,000 be granted to provide for the probable deficiencies of the grants for army services for the year 1863-4.

(3.) £409,000, Supplemental Estimates for Army Services beyond ordinary Grants for 1863-4.

Mr. W. WILLIAMS feared that the war in New Zealand would cost an enormous amount of money, and considered it a great error for the English to be going all over the world and taking away territories from those to whom they belonged. He should very much like to know how much the New Zealand war was likely to cost.

Sir HENRY WILLOUGHBY wished to know if the Indian army accounts would really be closed by this Vote to the year 1861? Nothing, according to the evidence taken before the Army Commission, could be more vicious than the state of those accounts. With regard to New Zealand, he feared it was only a foretaste of what was to come. He could only regret that the taxpaying people of this country should have such burdens thrown upon them for the sake of putting down a number of savages who were only striving to maintain their right to certain tracts of land which they claimed as their own. If the public only knew the amount of money which they had been called on to pay during the last twenty years for destroying savage nations, they would be very much astonished. These wars brought upon us undoubted disgrace; and he could not see how we could hope to gain either honour or advantage from them.

THE MARQUESS OF HARTINGTON believed that the Vote would completely settle the accounts between the War Office and the Indian Government up to 1861. As to the cost of the New Zealand war, he had stated the other evening that, as compared with the Estimates of 1863-4, a sum of about £300,000 in the amount taken for next year was attributable to that cause. He had added, however, that that would not be the whole cost of the war, and that he thought the sum of £500,000 would be thus expended.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

WAYS AND MEANS.—COMMITTEE.

Considered in Committee.

(In the Committee.)

(1.) *Resolved,*

That, towards making good the Supply granted to Her Majesty, for the service of the year ending the 31st day of March, 1864, the sum of £584,650 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

(2.) *Resolved,*

That, towards making good the Supply granted to Her Majesty, the sum of £4,500,000 be granted out of the Consolidated Fund of the United Kingdon of Great Britain and Ireland.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

MUTINY BILL.—COMMITTEE.

Order for Committee read.

(In the Committee.)

Clauses 1 to 21 *agreed to.*

Clause 22 (Power to inflict Corporal Punishment).

MR. COX said, he had very little hope that anything he or any other Member could say would induce the House at present to do away with the brutal and demoralizing punishment of flogging; but he was determined to invite attention to the matter, because out-of-doors a strong feeling existed on the subject. The favourite argument in favour of the system was, that it was necessary to the maintenance of discipline; but would Gentlemen undertake to say that the discipline of the English army was superior to that of the French and Austrian? Yet, in the armies of those two countries the system of corporal punishment was unknown. He would assert that the discipline of the Austrian army was equal, if not superior, to that of the British army. If it were necessary to retain this punishment, there ought always to be sufficient reason for inflicting it. Now, according to the wording of the clause, flogging might be inflicted for disgraceful conduct, for misbehaviour, or for neglect of duty. Now, what was "misbehaviour?" According to a Return in the course of the year 1862 nearly 35,000 lashes had been inflicted in the navy, and 5,999 in the army. Was it possible that the services could be in such a state of insubordination as to require the infliction of nearly 50,000 lashes in a single year?

> "That in the captain's but a choleric word,
> Which in the soldier is flat blasphemy."

And, accordingly, one man had been sentenced to receive forty lashes for "bad language." If the same severe justice were meted out to Members of the House of Commons, how many of them would 'scape whipping? Was it right to punish a civilian for theft by two or three months' imprisonment, and to give a soldier forty or fifty lashes for a similar offence? Was it consistent to sympathize with the Federal States, because they were free from the reproach of using the lash, and to raise our voice against the employment of the knout in Russia, while we perpetuated in our own services a system which was at once a disgrace to them and to civilization? He felt quite sure that, whatever might be the decision of the House now or next Session, public feeling eventually would make itself felt in a manner not to be mistaken. Were the Under Secretary for Foreign Affairs in his place, he could corroborate the statement that there was not a single meeting at the last election for the borough of Southwark at which disapprobation was not loudly manifested of this disgusting and degrading punishment. He would, therefore, move the omission of Clause 22.

Mr. W. WILLIAMS seconded the Motion. He was unable to see why flogging should be necessary in the British service, when in some of the largest armies in the world, the French, the Austrian, and American, it had been abolished. His own belief was, that discipline might be maintained without it.

Colonel NORTH said, that nothing was more easy than to gain hustings popularity by declamations against flogging; but he could tell hon. Gentlemen opposite, that the officers of the army would be greatly obliged to them if they would suggest some effective mode of punishment in lieu of it. Nobody felt more repugnance to the use of the lash than the officers themselves. But the great difficulty was to punish a man effectually, and, at the same time, not to keep him too long from the performance of his duties. Many a lazy blackguard would as soon be in gaol as out of it; so that mere imprisonment would never do. Reference had been made to the usage in foreign armies. Why, in France, they shot where we flogged. Would the English public like their soldiers to be shot in that way? In Prussia they had a torture chamber, the floor of which was composed of angles, arranged in such a way that a prisoner could neither sit nor stand at ease, and the punishment was so severe that offenders could not be retained there for long at a time, but were taken out for a little while and then put back again. The non-commissioned officers carried sticks, and the officers could inflict a certain number of cuts upon the private soldiers at their own discretion. In our army, it should be remembered, that a flogging could be inflicted only on the sentence of a court-martial. British officers were always very sorry to have to enforce this punishment, and he was surprised to hear hon. Members talk as though they imagined it was a personal gratification to the officers to see a man under the lash.

Mr. AYRTON said, that formerly corporal punishment was inflicted to the extent not of fifty, but of 500 and 1,000 lashes; and when complaint was made on the subject, the stereotyped answer was just what the hon. and gallant Member had given—that discipline must be maintained. In consequence, however, of repeated remonstrances in the House, the thousand lashes were reduced to fifty as a maximum, and it had not been found that the discipline of the army had suffered from the change.

That was rather encouraging to those who now thought that that mode of punishment might be altogether dispensed with without inconvenience. He wished particularly to call the attention of the Under Secretary for War to the state of the case in India. There the Asiatics who composed the Native army, and who had for generations been governed by the lash, were exempted from all flogging; and the service had got on as well without it as with it, if not better. It was a remarkable fact that the regiments at Madras and Bombay, in which there was no flogging, behaved well during the mutiny. At the same time, the British soldier was still subject to the degrading punishment from which the Native had been relieved. He had been told that the result was most disastrous in regard to the relations between the two classes of soldiery, and that the Natives pointed the finger of scorn at the Englishman who was amenable to the lash. That was not a state of things which ought to be tolerated in India; and if flogging were abolished among all the troops there, it could not be retained elsewhere. It had better, therefore, be done away with at once and altogether.

Colonel NORTH observed, that the question was not now as to a reduction of the amount of punishment by flogging, but as to dispensing with it altogether; and he repeated that those who were in favour of such a course ought to suggest a substitute for flogging. He repeated that it was no pleasure for an officer to have a man flogged, for there was no truer affection to be found than that which existed between the British soldier and his officers.

Mr. WHITE said, he had several times brought this question before the House, and he now renewed his protest against a mode of punishment so degrading, so repugnant to common decency, so cruel, and un-Christian. The hon. and gallant Member (Colonel North) said it was only by flogging that discipline could be maintained. [Colonel North: No!] Well, it was the belief of the gallant Colonel that the soldier could be deterred from certain crimes only by that means. That, however, was not the opinion of some distinguished military authorities. He was sorry his gallant Friend the Member for Westminster (Sir De Lacy Evans) was not in his place to speak for himself; but he might refer to him as having long been opposed to the use of the lash. [Colonel North: Quite the contrary!] He could only say that his hon. and gallant Friend had himself told him so, and that he gave evidence to that effect before a Committee of the House.

The Marquess of HARTINGTON said, that some hon. Members had spoken as though it was the opinion of British officers that the army could only be governed by the lash; but a little reflection would show them that it was not so—the conclusion was contradicted by the smallness of the part which the lash played in the government of the army. What he understood to be the opinion of the most experienced officers was that there was a class of men in the army—and it must be remembered that we did not recruit our army from the most respectable classes, but took a good many of the most degraded—who were nearly insensible to every sort of punishment except that of the lash. When this subject was discussed in 1860, Lord Herbert, then Mr. Herbert, entered very fully into the reasons which, in his opinion, rendered it necessary to the discipline of the army that the punishment of flogging should be retained; and he was sure that hon. Gentlemen would agree with him that there must have been a very stern conviction of the necessity which made such a man as the late Lord Herbert speak so emphatically as he did of the necessity of retaining corporal punishment. Hon. Members who had taken part in this debate appeared to have forgotten a very salutary change which had been introduced during the last few years, according to which no man was liable to be flogged, except for grave offences of a mutinous nature, until he had for previous bad conduct been degraded into the second class. He was happy to say that the Returns showed that, of late years, the total number of floggings in the army had materially decreased. In 1858 the number was 218 in the army in Great Britain and Ireland, and 13 in the militia; he had not been able to find the Return for 1859; in 1860 the number of men flogged was 179; in 1861, 168; and in 1862, 126. If these Returns did not prove much, they at least showed that officers were not inclined to flog more than they could help. Hon. Members had referred to the discipline of other armies as being maintained without flogging; but he believed that in most of the European armies the punishments were more severe than our own, and that in many cases where we flogged they would shoot a man. Some hon. Members had mentioned the American army. He should be very much surprised if the House of Commons did not require our army to be kept under somewhat sterner discipline than that which existed in America; nor was he certain that if hon. Members inquired they would not find that in the American army it had beenfound necessary to resort to very severe punishments to check mutiny and desertion. He was certain that British officers would not advocate the retention of this punishment if they did not think that it was necessary, and he believed that it was the wish of all of them to inflict corporal punishment as seldom as possible. He did not think that it could be said that the liability to the lash was a degradation to the soldier. Hon. Members must recollect that by recent legislations civilians had been made liable to the same punishment; and, though he might be told that he paid the army a bad compliment by comparing soldiers with garotters, it must not be forgotten that no man in the army was liable to be flogged unless he had by repeated and serious offences proved himself to be a man of bad character.

Mr. BASS said, that both the noble Marquess and the gallant Officer the Member for Oxfordshire (Colonel North), had maintained that the discipline of a large part of the army was independent of the lash. Why, then, should not the lash be done away with altogether? The noble Lord said that there was a class of offenders in the army who were so abandoned that they were insensible to any punishment but that which was only fit for brutes; and the gallant Colonel asked the House to suggest a remedy for that evil. He said, "Get rid of such men altogether." That was what had to be done with them at last. We heard every day of men being drummed out of regiments because they were so abandoned and worthless as to be no longer fit to associate with human kind, and he suggested that that should be done before flogging them, instead of afterwards. The army was mainly composed of men of high spirit and great bravery, and why should they be degraded by having to associate with men who could only be classed with felons. Men who could only be kept in order by the lash should be turned out of the army at once.

Colonel NORTH said, that the only means of avoiding the necessity for having this bad class of men in the army would be to double or treble the pay of the soldier; and he should like to see what the house would say if they were asked to vote the pay of the privates at the rate of 2*s.* 6*d.* a day. Was there no flogging in gaols? Why, if he was in command of a regiment in the City of Oxford he could not flog a man without holding a court-martial upon him; but if he took off his red coat and went into the gaol he could, as a visiting magistrate, order a man to be flogged without any trial.

Mr. W. WILLIAMS said, that there was an ample substitute for flogging contained in the provision of the Bill, which enabled the Queen to commute that punishment into forty-two days' imprisonment, with or without hard labour, and with or without solitary confinement.

Colonel NORTH: Who is to do his duty?

Mr. W. WILLIAMS: Who is to do his duty while his back is bleeding?

Colonel NORTH said, that the effect of the arrangement proposed by the hon. Member for Lambeth would be to make a good soldier perform forty-two days' duty for a blackguard.

Mr. Alderman SALOMONS pointed out that, after men were flogged, they were, in most cases, sent to the hospital, and some one must do their duty for them while they remained there. In consequence of some strong representations of the flogging at Woolwich last autumn, he believed that some less severe system of punishment had been adopted, and he had not heard that the discipline of the garrison had suffered in consequence. Even admitting that some flogging might be necessary, he thought that it was an unnecessary cruelty to the well-behaved men of a regiment to compel them to be the spectators of such an unpleasant and disgusting punishment.

Mr. HENRY SEYMOUR asked whether the figures quoted by the noble Marquess included floggings in India, and, if not, whether he could furnish the House with Returns which would show the punishments inflicted there? He did not think that flogging could be entirely dispensed with in the army, but he thought it might be still further reduced. For violence to superiors, disgraceful conduct, and insubordination it was proper to flog; but that punishment ought hardly to be inflicted for such offences as making away with necessaries, or even desertion. What was most remarkable was that the greatest amount of flogging appeared to take place in a force which was recruited from the higher class than the rest of the army—namely, the Royal Artillery. An artilleryman possessed a considerable amount of education. Many of the Artillery were drawn from a class superior to the rest of the army. ["No!"] Did hon. Gentlemen mean to say that the Artillery, as a body, were not superior to common soldiers?

Colonel NORTH remarked that a private artilleryman was enlisted for his size, and passed the doctor in the same way as any other soldier.

Mr. HENRY SEYMOUR maintained that the education he received after he joined rendered him superior to a common soldier, yet there were more punishments inflicted in proportion in the Artillery than in any other part of the army.

Lieutenant-Colonel W. STUART said, he could not regard making away with necessaries for the purpose of exchanging them for drink as a minor fault. It was, in fact, an offence on account of which it was necessary to continue the punishment. But in many cases flogging was the maximum of punishment to be allowed, and instead of it the minimum was in general inflicted. In fact, if hon. Members looked over the list of punishments inflicted, they would find that the punishment of flogging was inflicted in very few of the cases for which it could be inflicted. In his five years of embodied militia service he had never seen a soldier flogged, nor sat upon a court-martial which assigned that punishment; but there were instances in which no other punishment reached the aggravated nature of the crime. Then there were places in which there was no Government prison, or the prison was already full, and flogging was the only means left to inflict a proper punishment. There were instances of soldiers being sent to prison and coming back confirmed in crime and repeating the same offence; and, on the other hand, the first flogging had had the effect of bringing the soldier to a sense of duty. This showed that there were certain natures which could be best reached in this way. He hoped to see the time when the Return of men flogged in the army would give not 130, but twenty or thirty in the year. But this was not a change to be effected at once. Education would do it by degrees. With reference to what fell from the hon. Member for Poole (Mr. Seymour), he (Lt.-Colonel Stuart) would say that the men in the Artillery were recruited in the ordinary way; and the question asked was, whether he had a good chest and a strong arm; not whether he was of quick head. It was when the man went into the Artillery that he received the education; and this in time had its proper effect. Men are not flogged for drunkenness, as for that there are other punishments. But drunkenness leads to crime of all sorts, particularly insubordination, which must be severely punished and that at once. In general, a man from drink becomes insubordinate in his corps; and unless he were flogged there would be an end of discipline, and the lives of the superior officers would not be safe. Any person who had seen the manner in which the men in foreign armies were punished would not wish to see our men treated so. The French soldier was stripped and exposed for several days and nights in a deep pit like a den, where he was fed from a pole like the bear in the Zoological Gardens. An officer who had been in the Crimea told him he had once seen a French soldier so treated in the Crimea. And there was not with the British soldier the running the gauntlet which was practised in the Austrian army.

SIR HARRY VERNEY instanced a regiment in which the commanding officer had not used the lash for six years, and in which crime had decreased in a remarkable manner. He would be sorry for the present to say that the punishment of the lash should cease, because he feared the discipline of the army might be impaired, but he hoped the time would come when that change would be brought about.

COLONEL NORTH said, he feared many would be led by the statement of the hon. Member for Poole (Mr. Seymour) to suppose that there was more flogging in the Artillery than in the rest of the British army. He (Colonel North) found that out of fifty-nine instances of flogging there were eleven of men in the Artillery. It was supposed by many that all the flogging at Woolwich must be among men of the Artillery; but there were in that garrison 7,649 troops of the different branches of the service. Out of fifty-nine cases of corporal punishment no fewer than forty-four occurred in the Marines, one of the most meritorious corps in the service. The explanation was that men who received a lump sum on returning from long service abroad could not be expected to be so orderly as soldiers who had been steadily performing their duty at home.

MR. COX reminded the gallant Colonel, who had asked what punishment could take the place of flogging, that he had taken no notice of what fell from the hon. and learned Member for the Tower Hamlets (Mr. Ayrton), who stated that the punishment of flogging had been abolished in the Native Indian army. The gallant Colonel ought to write to some of his friends in India, and from them get information how they maintained discipline in the Indian army without resorting to the lash. If the noble Marquess (the Marquess of Hartington) found a gratification in the diminution of the cases of flogging in the army, he would feel a much greater if he could say there was not an instance of flogging at all.

COLONEL NORTH said, with respect to certain observations made by the hon. and learned Member for the Tower Hamlets, that the army would never forget the name of Lord William Bentinck, for they regarded the doing away with flogging in the Indian army, while it was retained in our own, as a great outrage. [*Cheers.*] He was happy to hear those cheers, but so the fact was. What was the result of the abolition of flogging in that case? Why, that the Indian army *en masse* mutinied. [" Oh! Hear, hear! "]

MR. COX said, that the hon. and learned Member for the Tower Hamlets had told them that the abolition of flogging had nothing to do with the Indian mutiny.

THE MARQUESS OF HARTINGTON said, he should be sorry to be thought to have said that our army was recruited from the very lowest part of our population. There were many exceedingly respectable persons in the humblest ranks of the army; but in its enlistment they could not be very particular as to the character of the men. Provided the recruit appeared fit to become a soldier, they took him; and, as there were many wild, reckless, and, he might almost say, criminal persons in the service, mere mild, ordinary punishment would not be sufficient for them; and the power, at least, of flogging ought to be retained.

Question put, " That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 55; Noes 42: Majority 3.

Clause *agreed to.*

Clauses 23 to 25 *agreed to.*

Clause 26

MR. COX said, he was utterly at a loss to know what possible reason could be given for retaining the still more brutal punishment of branding. If a man were so bad as not to be fit to remain in the army, they should at once get rid of him, and afford him the chance which privation might offer of retrieving his character. This clause was a disgrace to our statute-book. It enabled courts-martial, in addition to any other punishment, to order the letter "D" to be deeply marked on the left breast of a deserter, with ink or gunpowder, or other preparation, in such a manner as to "be clearly seen, and not liable to be obliterated." They might also recommend that the letters "B C" (bad character) should be branded indelibly upon his person. He knew one case of a man entering the army, who, as the noble Lord said, was rather "wild," and who was afterwards guilty of all sorts of military offences. After he had had his flogging, he at last came under the operation of Clause 26, and received both the brands of "D" and "B C." He turned out some few years later to be an honest, worthy, and hard-working labourer, and as such obtained the recommendation of several respectable persons as a candidate for the police force. He was rejected, but he would unquestionably have been successful in his application, but for the indelible marks showing that he had once been a bad man. He maintained that it was not a Christian mode of punishment to brand a man with infamy for life without leaving him a *locus penitentiæ.* Such a punishment could never conduce to the benefit of the army. He moved the omission of the clause.

Colonel NORTH observed, that branding was a protection to the public at large, and unless a deserter was branded he might possibly obtain admission into other regiments.

Mr. LOCKE expressed his surprise, when so many remarkable improvements had taken place in science and art, the army and navy should be selected for the exercise of the greatest brutality. The flogging of criminals had been abolished ["No, no!"] except in the case of garotters. When that punishment in the case of criminals tried in courts of justice had been abolished, it was most extraordinary that officers in the army and navy should desire to retain such a disgraceful system. But whatever might be said as to the necessity for flogging, not one word could be said in justification of the detestable torture of branding. The man, whatever his offence, had suffered for it in the army, and when they branded him and turned him adrift, they closed against him every opportunity of regaining a position in society. Nothing could be more terrible. Suppose a man had deserted. [Colonel North: How often?] Well, suppose him to have deserted six times. Why not, as was the practice in our gaols, employ the photograph, in order to identify deserters and prevent them again getting into the army? That would be much better than stripping a recruit to see whether he was branded or not? Flogging, so far as civilians were concerned, had been abolished. ["No, no!"] With regard to all offenders above the age of sixteen, that punishment had been abolished. ["No, no!"] It was very easy to say "No" when a man did not possess any knowledge on the subject.

Colonel NORTH rose to order, and begged to say that he had referred to documents which had been placed on the table of the House. ["Order, order!"]

Mr. LOCKE was aware that the gallant Officer was referring to Mr. Adderley's Bill, against which he (Mr. Locke) had voted; and having voted against a Bill authorizing the flogging of garotters it was not likely he should support a clause authorizing the branding of the brave defenders of our country upon their backs, or breasts, or anywhere. Let an offender be photographed, and an end put to the brutal course which was now pursued.

Colonel NORTH said, that on referring to the papers on the table he found that two boys of the ages of fifteen and sixteen had received forty-eight lashes in some place in Lancashire. The lashes were not inflicted with a birch rod, but with a cat-o'-nine tails, for tearing leaves out of a Bible and Prayer Book. In many of the prisons there was flogging without end.

Sir MORTON PETO said, that few persons had had more dealings with the working men than himself, and he believed the working man and the soldier to be the same—they were very much what we made them. He should have no hesitation in following his hon. Colleague into the lobby and voting for the omission of this clause. If a man was unworthy of serving in the army let him be dismissed; but they ought not, by branding, to deprive him of all *locus penitentiæ.*

Mr. HEADLAM said, he sympathized very much with those who opposed flogging, and he should be very glad if they could dispense with flogging in the army; but he could not conscientiously say that discipline could be maintained without it. This, however, was a different matter. A great deal of zeal and humanity had been wasted in this discussion. In point of fact, there was no pain—not the slightest—in the operation of branding. He might say so personally from his recollections at school; many boys had their arms marked for the pleasure of the thing. Marking for dismissal from the army was comparatively of recent introduction. A man of bad character was no sooner dismissed than he immediately enlisted in another regiment. Talk of leaving a man room for repentance, but marking did not in the slightest degree interfere with that; it only affected his power of getting into another regiment. He had had cases brought before him by hundreds; dismissed men would be continually getting into other regiments, unless some means were adopted of identifying deserters. Photography would not afford the desired means of ready identification. It would be rather difficult to place photographs of all deserters in the hands of every recruiting officer.

MR. BRIGHT: I should like very much to ask the hon. and learned Gentleman if he could tell us what number of men in a year are branded. I dare say the number is very small. ["No, no!"] Any hon. Gentleman opposite connected with the army would do great good to this discussion if he would give us the number. I dare say my hon. Friend behind me can do it. But this matter reminds me of the answer which some people make when capital punishment is objected to—namely, what will you do with ten or a dozen men if you keep them alive instead of hanging them. I have no doubt it would be found that this—punishment I am not allowed to call it now, but this practice—arises from a superstition. The number of men branded in all probability is very small—probably not more than one in every thousand in the army. The hon. and learned Gentleman further says it is not a punishment, for it does not give torture when inflicted. But it may be that it is intended to be a great punishment. It is to prevent a man being re-enlisted, and that costs so much for bounty. You do not give so much for bounty; and even if a re-enlistment cost this country £5, that does not seem to me to be a sufficient reason for keeping up what I must say is an ignominy and a barbarity which ought not to be heard of in a civilized country. The only place in which, as far as I know, branding is practised, and now it is dying out there, is in the slave States of America, where it is not an uncommon thing for the owners of negroes to brand them with the initials of the owners' names. The object is that if those slaves run away they may be discovered and known wherever they can be laid hold of. There is one view which I would recommend to Gentlemen connected with the army. This country at this moment is approaching a period that I will not hesitate to call a period of revolution in regard to labour. You see enormous emigration to the United States and to the Colonies. Every man in the manufacturing districts who knows anything knows that the demand for labour is overrunning the supply, and wages in all probability will rise very much; and I should not be at all surprised if ten years hence we should find labour, even in the agricultural districts, 25 or 50 per cent higher than at this moment. Well, if that be so, you will find much greater difficulty in recruiting for the army than you have in time past. You have enormous forces in the West and East Indies. Including the depôts here, I think you have nearly 80,000 men; and you require to raise 10,000 a year to keep up that army. If I was one of those who thought it necessary to maintain these great forces, and was anxious that we should always be able to obtain a full supply from the population, I should be disposed to make the army as little distasteful to the people as possible, and so far as it can be made to appear to them an honourable service. It is not to your advantage merely to pick up the most reckless and most unworthy of the population. I should think that every officer of a regiment would wish to have under his command respectable and honourable men. Well, that being so, would it not be worth your while to try whether the army of this great empire could not be enlisted and could not be maintained in sufficient order without having recourse to that which on the face of it strikes every man and woman in England, and every man and woman in the world, as a punishment degrading, barbarous, and wholly unsuited to our time. I think the noble Lord said that a great many of these soldiers were fast and wild. But I have heard of a great many cases in which officers are very fast. You have a great number of men in the army, stationed in different parts of the country, with very little to do. You have taken them from all the comforts and from all the inducements to good which men have who live at home. It is not to be wondered at that there are many cases—I am only surprised that there are not more—in which men give trouble to their officers and to those superior to them. But if I were one of those officers I should like to try the plan of mercy and kindness and fairness and sympathy with the men under my command. You find that when officers of regiments practise these qualities the men conduct themselves properly without flogging; and you find that the men in some of your ships of war will go off for a year or two years, and traverse the ocean, and come back without the punishment of flogging having been once inflicted. You may rely upon it that this depends almost as much upon the character of the officers as it does upon the character of the men. When this House tries the principles of humanity on any portion of the population it never fails to succeed, and I believe that to-morrow, if the people of this country should read that the Government had consented to omit this clause, all classes in the United Kingdom would rejoice. I shall have great pleasure in supporting the Motion of my hon. Friend.

COLONEL KNOX said, he had heard the speech of the Judge Advocate with the greatest pleasure, because the right hon. Gentleman was the best informed person in the House on the subject. If this clause were struck out, desertion would go on *ad infinitum*, and the country would thereby be put to an enormous useless expense by the blackguards deserting and re-enlisting, and receiving the bounty.

CAPTAIN JERVIS reminded the Committee that these Acts of Parliament were prepared and passed by civilians; the officers of the army had only to carry out the Acts which Parliament had passed. He would also remind them of the distinction between punishments at home and in the presence of the enemy. When a force was in the presence of the enemy officers were bound to protect the honest men by seeing that cowardly scoundrels did not shirk their duty; and the choice of punishment in that case was only between shooting and flogging. In the Continental armies shooting was the rule, and in the English army flogging. The Committee could decide which was the most humane. At home it was a question of economy, and that was the work of civilians. No officer in the army would not rather see a man discharged than flogged. This was nothing more nor less than a question of money. In the Life Guards the men were never flogged, because their officers had the option of discharging them, and of replacing them by well-behaved men; and, if the House of Commons would only go to the same expense in other cases, commanding officers would hail the abolition of flogging with the greatest pleasure, drawing the distinction he had already mentioned between service at home and service in the face of the enemy. Nor had commanding officers any wish to brand a single man; on the contrary, they would be only too glad to get rid of such characters. But when soldiers deserted, it was the officer commanding the company who was responsible for their kit; and the public purse also suffered in the loss of the bounty. If, however, hon. Members opposite, who begrudged every shilling that was necessary for the army, would only vote the money necessary to replace these deserters, this clause might be omitted as soon as they pleased. Branding was adopted by the late Lord Herbert because desertion and re-enlistment had gone on to a great extent in the army. It had been said that we did not flog any portion of the civil population, but the fact was that flogging was inflicted in every gaol in the country.

MR. NEATE said, that the speech of the right hon. Gentleman the Judge Advocate was repugnant to his feelings. He saw no reason why this peculiarly barbarous punishment should be kept up in the army. If it was good for the army, it ought to be made a part of the ticket-of-leave system, and civilians ought to have a perpetual mark upon them, to remain to the end of their lives. But was it right to brand any man with the disgrace of an irremediable offence which would never be forgiven or forgotten? The hon. and gallant Member for Harwich (Captain Jervis) said that the officers were obliged to protect themselves, because they had to pay for the kit of deserters. But why had they this detestable system in the army?

THE CHANCELLOR OF THE EXCHEQUER said, that the extension of the practice of branding of soldiers dismissed with ignominy, was due to one of the most tender-hearted and humane of men, the late Lord Herbert, one who, of all civilians who ever had to do with the army, devoted himself with the most untiring application to the amelioration of its condition. He did not think it would be satisfactory to introduce an important change in the discipline of the army at a moment when this subject was not expected to be under consideration, and when, consequently, a great number of Members were absent, who would otherwise have been in their places. There was something very painful in the discussion of these personal punishments, and it was necessary to steel one's self by conditions of rigid prudence in opposition to first feelings and inclinations. But the punishment was not a cruel one in the ordinary sense of cruelty, and in this respect it differed from flogging; nor was there the painful exhibition before a soldier's comrades which took place when the punishment of flogging was administered. In declaring that it was a mere question of money, the hon. and gallant Gentleman (Captain Jervis) had defended branding on too narrow a ground. If this were so, even the most ardent economists would be bound to substitute other arrangements on the part of the public. But other considerations than those of money were involved. Desertion was an offence which it was very difficult to check. When a man deserted from one regiment, almost his first thought, as soon as he fell short of money, was to re-enlist in another; and it was not unnatural that some effectual means should be resorted to for establishing his personal identity. In the case of men dismissed with ignominy, Lord Herbert's proposal stood on strong grounds. The Committee would remember that the vast majority of our soldiers had nothing to do with flogging; and among the minority there were many who, though subject to flogging, yet ought not to be placed in the category of hopelessly bad subjects. Some, however, of this class there were, and when these were dismissed with ignominy, was it not desirable to prevent re-enlistment upon other grounds than those relating to the bounty — that is, upon high moral grounds and grounds of discipline? When these bad and hardened characters went into another regiment, they did not merely obtain a certain bounty; they carried a poison with them and made other men as bad as themselves. And seeing that re-enlistment was the object and resort of these men, it seemed right that some special provision should be taken against it. The comparison made by his hon. Friend the Member for Birmingham (Mr. Bright) between branding the deserting soldier and branding slaves in the Slave States of America, did not apply. In America the brand was put on a part of the body visible to the world; but as regards the soldier, the law clearly pointed out that it was to be put where it could not be seen. It was only seen by the commanding officer and the surgeon. Under these circumstances, he hoped the Committee would not take upon itself the responsibility of introducing the proposed alteration.

Mr. W. EWART said, that branding stamped a man for life, whatever position he might look for; and the hon. Member for Finsbury had shown that the brand would prevent a man from being admitted into the police. Why not use photography instead of branding, as was done with regard to the ticket-of-leave men? In former times it was thought necessary to brand civilians, but they had to give up the practice. Notwithstanding his respect for the high character of the late Lord Herbert, he (Mr. Ewart) would vote against the system of branding.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*: — Ayes 80; Noes 50: Majority 30.

Clause *agreed to.*

Remaining Clauses and the Preamble *agreed to.*

The CHANCELLOR of the EXCHEQUER said, with regard to the course of business for to-morrow, it was uncertain how long the discussions on going into Committee of Supply were likely to last, but it was the intention of the Government to go on with the Army Estimates, not, however, including Vote 6.

House *resumed.*

Bill *reported*; as amended, to be considered *To-morrow.*

INTOXICATING LIQUORS BILL—[Bill 44.]

LEAVE. FIRST READING.

Considered in Committee.

(In the Committee.)

Mr. LAWSON moved, that leave be given to bring in a Bill to enable Owners and Occupiers of property in certain districts to prevent the common sale of Intoxicating Liquors within such district.

Mr. H. A. BRUCE: The Government does not object to the introduction of the

Bill; but in taking that course they do not pledge themselves to assent to its further progress.

Motion made, and Question put,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to enable owners and occupiers of property in certain districts to prevent the common sale of Intoxicating Liquors within such districts."—(*Mr. Lawson.*)

The Committee *divided*:—Ayes 70; Noes 36: Majority 34.

House *resumed.*

Resolution *reported.*

Bill *ordered* to be brought in by Mr. LAWSON and Mr. BAZLEY.

Bill *presented*, and read 1°. [Bill 44.]

House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Friday, March 11, 1864.

MINUTES.]—PUBLIC BILLS — *First Reading*—Leases and Sales of Settled Estates Act Amendment* (No. 30).

Second Reading—Turnpike Roads* [H.L.] (No. 24.)

Third Reading — Chief Rents (Ireland)* [H.L.] (No. 28), and *passed.*

LEASES AND SALES OF SETTLED ESTATES ACT AMENDMENT BILL [H.L.]

A Bill to amend the Settled Estates Act (1856)—Was *presented* by The Earl of MALMESBURY and read 1ª, and to be printed. (No. 30.)

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 11, 1864.

MINUTES.] — SELECT COMMITTEE — *Report*—Committee of Selection, *Third Report* (No. 62).

SUPPLY—*considered in Committee**—Committee R.P.

WAYS AND MEANS—Resolutions [March 10] *reported*; First Resolution *re-committed.*

Resolution [March 10] *reported*; Bills *ordered.*

PUBLIC BILLS—*Resolution in Committee*—Land Securities Company (Stamp Duty on Mortgage Debentures).

First Reading—Consolidated Fund (£4,500,000)*; Consolidated Fund (£584,650)*; Fish Teinds (Scotland)* [Bill 45].

Mr. H. A. Bruce

Second Reading — Summary Procedure (Scotland)* [Bill 32].

Considered as amended—Mutiny*

Third Reading—Marine Mutiny* and *passed.*

THE IRISH CONSTABULARY.

QUESTION.

MR. SCULLY said, he rose to ask the Chief Secretary for Ireland, If the Irish Government have received a Report from the Resident Magistrates commissioned to investigate certain charges preferred by the Rev. William Corcoran, C.C., against Sub-Inspector Boyce, of the police station at Dundrum, in the county of Tipperary; and if they will lay before the House copies of that Report, with its accompanying evidence, and of any Official Correspondence, Minutes or Orders, relating to the conduct of Sub-Inspector Boyce towards the late Constable Wiggins, or to the dismissal of Dr. Power from being medical attendant at Dundrum Station; and whether it is now intended merely to reprimand and remove to another station Sub-Inspector Boyce; and what is intended regarding Dr. Power? He hoped he might be permitted to ask the right hon. Baronet not to disport himself in his reply.

SIR ROBERT PEEL, in reply, said, the Government had received a Report from the Resident Magistrates, and after inquiring into the case the Lord Lieutenant thought it adequate punishment to remove Sub-Inspector Boyce to another place. The only matter involved was that a policeman on the point of death—

MR. SCULLY rose to order. The rule was very strict, that in asking a question no one was allowed to make an explanatory statement. The right hon. Gentleman in the chair upheld the rules very strictly in that respect, and he (Mr. Scully) entirely objected to have the matter gone into by the Chief Secretary when merely replying to a question. If a statement was made, and the whole subject gone into, he should have no alternative but to move the adjournment of the House. He trusted the Chief Secretary would observe order, and confine himself to the question.

MR. SPEAKER: It appears to me that the right hon. Gentleman was answering the question on the paper.

SIR ROBERT PEEL said, the inquiry had appeared in the newspapers, and at the rate of a penny a day the whole of the discussion on the subject could be obtained.

Of course, if the House thought proper, it could be published, but it was very voluminous. As for Dr. Power, he had been dismissed from being a medical officer to the Constabulary, and it was not intended to reinstate him.

MR. SCULLY said, he wished to know whether the Chief Secretary objected to produce the Report of the Commissioners and the Official Correspondence on the subject.

SIR ROBERT PEEL said, the hon. Gentleman could give notice of a Motion for their production.

DAUNT'S ROCK AND ROBERT'S COVE.

QUESTION.

MR. SCULLY said, he wished to ask the President of the Board of Trade, Is it finally decided, or still under deliberation, to place a Light Ship at Daunt's Rock, off Cork Harbour; has his attention been called to the proposal to mark the site of Daunt's Rock by means of a Lighthouse at Robert's Head; also to the construction, at trifling expense, of an entrance from the sea into the artificial Dock at Robert's Cove, excavated a few years since by the Irish Board of Works; and will he cause inquiry to be made respecting such Lighthouse and Dock Entrance as works of public utility, and to provide increased security or refuge on a frequented coast? He should not object to any explanation which the right hon. Gentleman might give, because that right hon. Gentleman would answer the question and would not be impertinent.

MR. MILNER GIBSON said, in reply, that the Trinity Corporation and the Ballast Board of Dublin recommended that a Light Ship or some kind of Beacon should be placed upon Daunt's Rock, but the Trinity Board had stated that the expense of such a Light Ship ought not to be thrown upon the general trade frequenting St. George's Channel, but upon the ships frequenting Cork Harbour. The authorities in Cork declined to bear the expense, and in that position the matter was now placed. The Mercantile Marine Fund was the only one at the disposal of Government for the purpose of supporting Light Ships, and as the authorities objected to throw the support of that Light Ship upon the fund, of course it must be provided from some other source. He trusted the authorities at Cork would be induced to support the expense. With respect to Robert's Cove, the dock there had been executed by the Board of Works in Ireland, and they had no information at the Admiralty or Board of Trade on the subject.

MR. MAGUIRE said, he wished to know whether the right hon. Gentleman was aware that the Harbour Commissioners of Cork had no power whatever to devote any portion of their funds to a Light Ship in a place which was something like five miles beyond their jurisdiction?

MR. MILNER GIBSON said, he had no information as to the powers of the Cork authorities, but he thought if they assented it would be easy by legislation to provide a toll for the purpose.

MR. SCULLY: Would the right hon. Gentleman cause inquiry to be made on the subject?

MR. MILNER GIBSON said, he would.

ADMIRAL FITZROY'S WEATHER PREDICTIONS.—QUESTION.

MR. AUGUSTUS SMITH said, he would beg to ask the President of the Board of Trade, Whether any Observations have been made for the purpose of recording the actual weather corresponding to Admiral Fitzroy's daily forecasts and occasional warning signals; and, if so, whether there will be any objection to lay the results before the House?

MR. MILNER GIBSON, in reply, said, he had to state that observations had been made during the past year with a view to comparing the actual weather with the predictions which had been made by Admiral Fitzroy, and the Board of Trade were endeavouring to digest that information, and to put it in a shape which would be intelligible to the House, and when that had been done, and when Admiral Fitzroy had had an opportunity of seeing this information, and of making his remarks upon it, he hoped to be able to lay it before the House; and he might also state that by the kindness of the French authorities the Board of Trade had received a similar comparison which was made at Brest, and if possible that information would be laid on the table of the House at the same time.

THE MHOW COURT MARTIAL.

QUESTION.

SIR JAMES FERGUSSON said, he rose to ask the Under Secretary of State for

War, What opinion of the Judge Advocate General on the subject of the Mhow Court Martial was cited by His Royal Highness the Commander-in-Chief in his Memorandum of 18th December, 1862; what was the date of the opinion in which, as stated by the Under Secretary of State on the 29th and 30th June, 1863, after consideration of the whole of the proceedings, the Judge Advocate General advised that the sentence of the Mhow Court Martial was legal, and in consequence of which opinion Paymaster Smales was, "after a time," gazetted out of the regiment; whether he will lay upon the table the evidence upon which it was determined to bring Colonel Crawley to a Court Martial; whether that evidence was previously submitted to the Judge Advocate General for his approval; and whether, before the court-martial was ordered, any statement was received from Colonel Crawley in answer to *ex parte* evidence?

Mr. HEADLAM said, he would himself answer the question of the hon. Baronet. What he stated on a former occasion was, that he considered the proceedings of the Mhow Court Martial of such a kind that if the trial had occurred in this country he should not have advised Her Majesty that they should be confirmed without revision. But he did not upon that opinion advise Her Majesty to grant Mr. Smales a pardon. In point of fact, he stated as his opinion that, although the proceedings would have been submitted for revision, they were legal. The date of that opinion was the 27th November, 1862. He did not think that the evidence upon which it was determined to bring Colonel Crawley to a court-martial could be laid on the table of the House; but he would now read an extract from a letter written by himself—

> "The papers submitted to me appear to disclose evidence which, in the absence of contradiction or satisfactory explanation, would, in my opinion, warrant a conviction."

With respect to the question as to whether any answer was received from Colonel Crawley in reference to the evidence, he had to say, that there was not time to have received an answer from him after the notice sent out that he was to be put upon his trial.

Lord HOTHAM said, he wished to know what was the date of the letter containing the extract just read?

Mr. HEADLAM replied, that the date was the 23rd of June, 1863.

GOVERNMENT ANNUITIES BILL—THE "PROFESSIONAL" AND "EUROPEAN" SOCIETIES.—EXPLANATION.

Mr. WICKHAM said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, in his statement on Monday last on the Government Annuities Bill, he had any intention, when alluding to the transactions between the Professional and European Societies, to impute any dishonourable or improper conduct to the European Society?

The CHANCELLOR of the EXCHEQUER said, he had great pleasure in assuring his hon. Friend that he had no intention of imputing any dishonourable or improper conduct to the European Society. The fact he had stated was to the effect that in the amalgamation—or, more strictly speaking, he should call it the transfer of liabilities from the Professional Society to the European Society —there was registered on the policies the difference between the sum which was assured and the amount at which it stood at that period, and he described that deduction by the strong phrase of "wholesale robbery," rather than a fair commercial transaction. It was, however, his intention to deal with the relation of the Professional Society to its own policy holders. Of course, it was not to be expected from any other society that it would take these policies at their full nominal value. That was the state of the case, and he had no intention to imply that the European Society was in any way involved in the matter. With regard to the Professional Society, he should be very glad if any statements were offered to him on the part of that society which would enable him in some way to qualify the phrase he had used.

HARBOURS OF REFUGE.

QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask the President of the Board of Trade, What steps have been taken by the Government since the Reports of the Select Committee of 1857 and the Royal Commission on Harbours of Refuge for the construction or improvement of Harbours; and whether he will lay upon the table any Correspondence between the several departments of the Government on this subject?

MR. MILNER GIBSON said, in reply, that in 1861 a Bill was introduced by the Government, and was afterwards passed into a law, for the purpose of authorizing loans from the public funds to be made to the harbour authorities for the construction and improvement of harbours. That Bill was in accordance with the recommendations both of the Committee and of Commissioners acting under that Act; and he believed that a sum in round numbers of nearly £1,000,000 had been agreed to be lent for the improvement and construction of harbours. Moreover, other applications were under consideration at the present time, amounting probably to some £200,000 or £300,000. He had now before him a statement of some of the cases, and he might mention the case of Wick, which was making its own harbour, not, indeed, a large one, as suggested by the Commissioners, suitable for all ships, but sufficient for the local trade, and calculated to be useful in saving life in connection with the fishing trade of that place. Port Erin having got an Act passed for a harbour, application had been made to the Commissioners of Public Works for a loan, and the harbour there would be, in point of fact, better and more useful for the purpose even of refuge than that recommended by the Commission. Tyne was also making its breakwater, by means of the aid afforded by the Public Works' Commissioners; and in the Tees a breakwater was being constructed, also by loan from the same Commissioners. He could mention other harbours, but he might say, generally, that a great deal of use was made of the powers given by the Act of 1861. With respect to any correspondence on the subject of Harbours of Refuge, the Board of Trade would be prepared to lay it on the table of the House if the hon. Baronet moved for its production.

STARVATION IN THE METROPOLIS.

QUESTION.

LORD ROBERT CECIL said, he wished to ask the President of the Poor Law Board, Whether his attention has been drawn to the case of starvation in Bethnal Green, alleged to have taken place through the neglect of the relieving officer; and whether any investigation into that officer's conduct is to be instituted?

MR. C. P. VILLIERS: I beg, Sir, to say that this case had arrested my attention on reading the report of it in the newspapers, and I did what is usual in my office in cases of inquests. I applied to the Coroner for a copy of his depositions, and I further directed an Inspector to proceed to the authorities of the parish to ask for information on the subject. They stated that they were perfectly ready to make any inquiry with respect to the case at once. They stated, what perhaps it would be satisfactory to the noble Lord to hear, that in this case the man, whose wife was stated to have been starved to death, was in the receipt of fifteen shillings a week, and had been so throughout the winter; and the unfortunate woman herself was being attended by the medical officer, and she had made no application for nutriment notwithstanding that it was stated she was starving.

UNION RELIEF TO THE WIVES OF SOLDIERS, &c.—QUESTION.

MR. ADDINGTON said, he would beg to ask the President of the Poor Law Board, Whether any provision is made by Law for the stoppage out of the pay of Soldiers, Marines, Sailors, and Militiamen, of such sums of money as may have been expended from the Poor Rate in the relief of their wives and children when deserted by them and left chargeable to the Parish or Union where they are residing; and, if not, whether he will enter into correspondence with the Horse Guards' Authorities for the purpose of effecting an arrangement to meet the case?

MR. C. P. VILLIERS said, in reply, that there was no provision made by Law for stopping from the pay of Soldiers and Sailors any sum expended in relief for their wives and children when deserted. On the contrary, there was a provision in the Mutiny Act that no proceeding should be taken against any Soldier, either in the Line or the Militia, who might have deserted his family. With respect to Sailors, when they intended to make provision for their wives and families, they gave an allotment note of their pay to them, and on the production of that allotment note the person holding it was entitled to receive the pay, but not Poor Law Guardians or Parochial authorities. He certainly had no intention of corresponding with the authorities of the Horse Guards on the subject, because, inasmuch as there was the distinct provision that no proceeding should be commenced against any Soldiers or Sailors on account of relief to their families, they no doubt would consider it injurious to Her Majesty's service in the way of enlistment that those people should be made liable.

EDUCATION REPORTS.

QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the Vice President of the Committee of Council on Education, When he will lay upon the table the Annual Report of the Committee of Council; whether he has issued instructions to Her Majesty's Inspectors of Schools directing that this year and in future Reports will be required from only one-half of their number; and whether the Reports received this year from the Inspectors will be presented to the House in the usual manner, and without omission or mutilation?

MR. LOWE replied, that the Report of the Committee of Council would be laid upon the table about the beginning of June, which was the ordinary time. No Department made its Reports more speedily than the Department of Education. The Reports of the Inspectors up to the 31st of December were only just received, and, considering the labour those Inspectors underwent, and the examinations they had to make at the training colleges, it was impossible for them to Report earlier. With respect to the second question put by the right hon. Baronet, he answered that in the affirmative. Formerly, the rule was that the chief Inspectors should alone Report, and many of the chief Inspectors had assistants, who did not report. The distinction between chief and assistant Inspectors had been abolished, and the districts divided into smaller ones, so that each Inspector had a district to himself, and for which he was alone responsible; consequently, if each Inspector were to report, there would be double the usual number of Reports printed, and double the expense incurred by the country for that purpose, which now, including the time occupied by the Inspectors and the cost of printing, amounted to about £2,000. As to the third question, whether the Reports received from the Inspectors would be presented in the usual manner, and without mutilation or omission, he had to say that they would be presented in the usual manner. The right hon. Baronet did not seem, if he might judge from his question, to be quite aware what that usual manner was. It was the usual manner to present the Reports without omission or mutilation. A Report was either presented as it came from the Inspector, or not at all. If it appeared to the Committee of Council that any of the Inspectors had transgressed their instructions, his Report was sent back to him for correction; and if it was found, when returned, not to be in a proper form, it was not laid on the table of the House.

SIR JOHN PAKINGTON said, the right hon. Gentleman had stated that he had called upon only half the Inspectors to report. He wished to know whether all the Reports so sent in would be laid on the table without the suppression of any of them?

MR. LOWE said, he could not answer that question until he had made himself master of the Reports.

COURT MARTIAL LAW.—QUESTION.

MR. O'REILLY said, he would beg to ask the Judge Advocate General, Whether it is lawful in the Army to prevent a prisoner on his trial from having free communication with the witnesses who are to be called for his defence?

MR. HEADLAM replied, that there was no difference in principle between Martial Law and Civil Law on this point. The question might, therefore, have been addressed with propriety to his hon. and learned Friend the Attorney General. He (Mr. Headlam) did not think that there was any more clearly established principle of English Law than that the prisoner should have the most complete access to all the information necessary for his defence.

INSPECTION OF NIGHT SCHOOLS.

QUESTION.

MR. SCLATER-BOOTH said, he wished to ask the Vice President of the Committee of Council on Education, What provision is made for the inspection of Night Schools?

MR. LOWE said, in reply, that the night school was deemed another meeting of the day school; and as provision had been made for the inspection of the day school, so far it had also been made for the other. The night schools besides were at work for only six months of the year; and if they were to provide for the inspection of all these schools, scattered as they were up and down the country, it would necessitate the employment of double the number of Inspectors to accomplish the duty within the period. It was, therefore, not in their power to make such provision.

BANK ACT (SCOTLAND) BILL.

QUESTION.

Sir **ANDREW AGNEW** said, he would beg to ask Mr. Chancellor of the Exchequer, What course he intends to pursue as to this Bill?

The **CHANCELLOR of the EXCHEQUER** said, in reply, that the Western Bank of Scotland shareholders were of opinion that if the issue of notes which they had lost were revived, they ought to enjoy to a certain extent the profit of that issue. The Government had not been able to concur in that view. They had, therefore, sent a negative reply to the application received from the shareholders; but it would, of course, be only fair that they should have time to consider what course they would pursue. He would, therefore, fix the next stage of the Bill for Monday, the first day after the recess.

BUSINESS OF THE HOUSE.

QUESTION.

Mr. **WALPOLE** said, that as the House was to rise next Friday, it would be for the convenience of hon. Members to know what would be the course of business during the week. Did the Chancellor of the Exchequer mean to proceed with the Government Annuities Bill next Thursday? [Mr. Gladstone signified assent.] In that case would there be time to take the Penal Servitude Bill before Easter?

Sir **GEORGE GREY** said, that it would of course depend on the length of the debate on the Government Annuities Bill whether the Penal Servitude Bill would be taken next Thursday. He would not, of course, bring it on at a late hour.

THE DANISH BLOCKADE.

QUESTION.

Mr. **DALGLISH** said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Foreign Office has any later information on the establishment of Blockades on Danish or German Ports, or the Free Ports of Hamburgh, Lubeck, &c., than is contained in the *Gazette;* and, considering the importance to commerce of early information of Blockades being established, whether the Foreign Office will telegraph such information as soon as received to the principal Ports, and thus anticipate the *Gazette?*

Mr. **LAYARD** said, in reply, that the Government had received no further information than that which had already been published in the *Gazette.* If any fresh information of importance arrived, he would take care to make arrangements that the very earliest information should be communicated to those interested.

WHITECROSS STREET PRISON.

QUESTION.

Mr. **DENMAN** said, he would beg to ask the Secretary of State for the Home Department, If his attention has been called to the circumstance of several prisoners lately committed to Whitecross Street Prison by the Metropolitan Police Magistrates having been set at large, owing to the refusal of the Prison authorities to receive them; whether he can state the reasons of that refusal, and whether the Government are prepared to take any steps to apply a remedy?

Sir **GEORGE GREY** said, the matter to which this question referred, arose out of a difference of opinion between the magistrates of the county of Middlesex and the authorities of the City of London, and in which the Secretary of State had no power to interfere. An order was made at the last Middlesex Quarter Sessions that the Westminster and Clerkenwell Prisons should be applicable only to certain classes of prisoners, excluding prisoners who might be by law committed to Newgate, or to the Debtors' Prison in Whitecross Street. The question which had arisen was, whether prisoners committed in default of the payment of penalties imposed upon them, might be confined as debtors in Whitecross Street Prison. The Middlesex magistrates held that they might. The City magistrates held the contrary, and therefore refused to receive them. Steps had been taken for obtaining the opinion of the Court of Queen's Bench on the subject, which was the only authority by which the question of law could be decided.

THE MALTA DOCK.—QUESTION.

In reply to Sir John Hay,

Lord **CLARENCE PAGET** stated, that he intended to lay on the table the Correspondence relating to the proposed Dock at Malta. As the papers were of great importance, and as the Government had sent an engineer to Malta to make inquiries on the spot, he proposed to defer the Estimate for the Dock till after Easter. It was not customary to defer a single item, and therefore he should put off the whole Vote for Public Works till that time.

SIR ROWLAND HILL.—NOTICE.

Viscount PALMERSTON: I believe it is well known, that that valuable and deserving public servant Sir Rowland Hill is about to retire from his situation at the Post Office. He is entitled to a pension, which in the usual course would lapse at his death; and I now, therefore, move that this House shall, on Monday next, resolve itself into a Committee, for the purpose of considering the grant of a pension to Lady Hill for her lifetime, in the event of her surviving her husband.

ST. MARY'S BURIAL GROUND AT SYDENHAM.—QUESTION.

Sir GEORGE GREY said, he wished to ask the hon. Member for North Warwickshire, Whether he intends to go on to-night with his Motion for a Select Committee to inquire into the Allegations contained in the Petition of Mr. Alfred Smee relative to the St. Mary's, Sydenham, Burial Ground, and further into the existence and increase of Conventual and Monastic Establishments in this country? If the hon. Member deferred the Motion, he should have no objection to produce the Correspondence relating to the Burial Ground in question, as well as that which had passed between Mr. Smee and the Home Office.

Mr. NEWDEGATE said, he was aware that, as another Motion stood before his upon the paper, he would not be able to carry out his intention that evening. He felt much obliged to the right hon. Gentleman for his offer to produce the Correspondence with reference to the granting of the Licence for the Burial Ground, and also the Correspondence between the Home Office and Mr. Smee. He hoped he might be allowed to add that he believed the law upon the subject was in an unsatisfactory condition; but, at the same time, he did not wish to impute any blame to the right hon. Gentleman.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Lord Clarence Paget

DENMARK AND GERMANY. THE PROPOSED CONFERENCE.

QUESTION.

Mr. SEYMOUR FITZGERALD: Sir, I wish to put a Question to the noble Lord at the head of the Government of which I have given him notice. It has reference to the reply made by the noble Lord a few nights ago in the House with regard to the question of a Conference on Danish affairs, and also to the statement of the noble Earl the Foreign Secretary on the same subject in another place. On Tuesday last the noble Lord the First Minister, in answer to my right hon. Friend the Member for Buckinghamshire, stated that proposals had been made for a Conference on the present state of the Danish question, there being no cessation of hostilities in the meantime, but the only basis laid down being the maintenance of the integrity and independence of Denmark. That proposition, the noble Lord added, was made with the assent and concurrence of Russia and France. At the very same moment that the noble Lord was speaking here, the noble Earl the Foreign Secretary in another place gave an account of the present condition of affairs, not only inconsistent with, but almost totally contradictory to that given by the noble Lord in this House. The noble Earl the Foreign Secretary said that, though there had been such a proposition as that stated by the noble Lord the First Minister, the proposal then before Her Majesty's Government, and communicated by them to the Danish Government, was this — that there should be a suspension of hostilities, that the belligerent Powers should in the meantime retain possession of all those portions of the country which they then occupied, conditional on the acceptance by Denmark of certain points as bases of negotiation. These points, as we learn from abroad, are a personal union between the Crown of Denmark and the Duchies, and an indissoluble union between Schleswig and Holstein. That account of the matter received confirmation from the noble Lord, because he said that the points laid down by the Prussian and Austrian Governments were more unfavourable to Denmark than the arrangement made in 1851 and 1852. At the same time, the noble Lord stated that he had not communicated this proposal to the Governments of France and Russia, for he deemed it desirable, in the first instance, to ascertain the opinion of the belligerent Powers. I would beg leave to point out the extreme inconvenience of information being given in the two Houses of Parliament of so entirely contradictory a character. I wish to ask the noble Lord, On what bases the proposal of a Conference really has been made; whether it is understood that there is to be a cessation of hostilities; and, if so, whether it is to be conditional on the acceptance by Denmark of certain points; whether the noble Lord will communicate to the House what these points are on which the Conference is made conditional by the two German Powers; whether the noble Lord will state whether, in the opinion of the Government, these points are consistent with the maintenance of the integrity and independence of Denmark; whether the noble Lord adheres to the statement that these proposals were made with the assent of France and Russia; or whether the case is, as the noble Lord the Foreign Secretary is reported to have stated, that these proposals have not been communicated to these Powers?

VISCOUNT PALMERSTON: Sir, I am not at all surprised that there should be some misapprehension on a subject so complicated as the Danish question, and the answers given to inquiries which I may, perhaps, be pardoned for saying had better not be put, because those answers relate to negotiations which are going on with various Powers holding different views on the matter. Therefore, I do not at all wonder that the hon. Gentleman should in his question have mixed up things which are in themselves distinct. What I stated, or at least meant to state, was that we had vainly tried to obtain the consent of the belligerents to an armistice as a preliminary to a Conference, because each party required conditions for that armistice which the other would not agree to. I said that therefore Her Majesty's Government had deemed it so important that negotiations should be begun, that they had proposed to the belligerent Powers that there should be a Conference without an armistice; that that proposal had been made to Austria and Prussia, who had agreed to it; and that it had also been made to Denmark, from whom we had not yet received an answer, and one is still wanting at this moment. I mentioned that we had reason to believe—good reason to believe—that France, Russia, and Sweden would concur in such a Conference, but that no positive question or communication had been made to them on the subject, or could be made until it had been ascertained that the belligerents consented to the matter. Then I stated that whereas England, France, Austria, Prussia, Russia, and Sweden all concurred in admitting the validity of the Treaty of 1852, and the obligation which it imposed of maintaining the integrity of Denmark, the parties who would assemble in the Conference would necessarily all stand upon that basis; but that no formal basis had been proposed, because in fact we had no knowledge that the two parties would agree to a Conference. When the Conference meets, the bases of negotiation will be arranged. That is what I stated, and what the hon. Member must have confounded with my answer, are the opinions which from time to time have been expressed by the different parties. It is well known that at different periods of the negotiations Prussia especially has intimated its opinion that there should be an administrative union between the two Duchies, Schleswig and Holstein, and that they should be connected with the rest of Denmark by the link of the Crown. But that is not a basis of negotiation, nor is it a matter upon which the English Government has ever expressed its opinion—yes or no. It is one of the points which, of course, would have to be discussed by each party according to its views and interests when the negotiations had commenced. We know that the Danish Government has objected to it, and we know also that other Governments have agreed to it. I do not think there is any contradiction between what I have stated and that which my noble Friend has stated in the other House of Parliament. If the hon. Member will look attentively at the Report, I think he will see he is in error. I have not myself looked at the Report, but I am persuaded that, as my noble Friend and I are perfectly agreed as to the facts of the case, it is quite impossible that we could make any statements that should essentially differ the one from the other.

MR. SEYMOUR FITZGERALD: I am sorry to trouble the noble Lord and the House, but I wish to clear up a point which appears to be involved in some confusion. I have examined the Report to which the noble Lord referred me, and I find Earl Russell is distinctly represented to have said that the basis of the Conference was a cessation of hostilities conditional upon the acceptance of certain terms. What I want to know is, whether we are to understand that that is not the case, and that Earl Russell has been misreported if he is represented to have said so.

Viscount PALMERSTON: What the hon. Gentleman alludes to must have been some statement with regard to the original proposal of an armistice preliminary to a Conference. [Mr. Seymour Fitzgerald: No.] The present proposal is a Conference without a cessation of hostilities, because it appears to us reasonable to think that if a Conference were once assembled, and if the representatives of the different Powers concerned were met round a table, the first subject of inquiry would be whether an armistice or cessation of hostilities might not be agreed to; and I should hope, too, that the parties might be able to find some terms of agreement satisfactory to all.

CONDITION OF IRELAND.

RESOLUTION.

Mr. HENNESSY said, he rose to call attention to some of the causes of the decline of the population in Ireland, and especially to the difference between the laws for the relief of the poor in Ireland, and the laws for the relief of the poor in England and Scotland, and to move a Resolution on the subject. He would remind the House that when Earl Russell brought forward his Irish Poor Law Bill in 1837 he estimated the population of Ireland at over 8,000,000. At that moment it was but a little over 5,000,000, showing a positive decline of 3,000,000, more than the whole population of Denmark and the Duchies of Schleswig and Holstein. In 1837 the population of Ireland was, or had been, increasing at a ratio which, if continued to the present time, would have brought the number up to little short of 12,000,000, so that the actual loss of people had been something like 6,000,000 or 7,000,000—a greater loss numerically than if the Queen were to lose the whole of her colonial empire. The subject, therefore, was one which ought to arrest the attention not only of all Irishmen, but of all persons interested in the welfare of the Empire. The first question one naturally asked was what explanations, if any, had been offered by the Government of the extraordinary phenomenon. The Government had offered explanations, and if he had believed the statements made by the Earl of Carlisle, by the Secretary for Ireland, by the Attorney General, and by the Prime Minister, he should not have ventured to trouble the House with any remarks; because, according to those responsible authorities, the decline of the population of Ireland was to be attributed to what they called natural causes, and causes over which the House had no control. But he called attention to the decline of the population, because he believed it was produced by causes with which the House could deal—namely, the misgovernment of the country and the operation of bad laws. The Irish Attorney General had closed an eloquent speech with these words:—"The state of Ireland is this—we have there just laws, justly administered to a contented people." That was not quite accurate. It would have been more correct to admit—whether the laws were just or unjust—that, at all events, they were not administered to a contented people. He was convinced that the Government possessed information which must show them that there prevailed in Ireland a general and profound feeling of discontent. He also had information derived from sources perhaps as good as those on which the Government relied, and from all these he learnt that the discontent in Ireland had not, in the memory of any man living there, been so great as it was at that moment. Nor when it was seen how millions had gone and were going from the shores of the country, and how, moreover, the Members of the Irish Government expressed themselves publicly on that great national calamity, it was hardly surprising that such a general feeling should exist. The Lord Lieutenant of Ireland, at the Lord Mayor's banquet in Dublin, took occasion to refer to that subject, and, having quoted the well-known lines—

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay,"—

his Lordship went on to say that that sentiment was totally wrong, that he approved what the poet condemned, that the decay of the population was a good symptom, and that the future of Ireland was that human beings must leave the soil, and the country become the fruitful mother of flocks and herds. That was received with murmurs of discontent, whereupon his Excellency continued, "I hear cries of 'No, no!' but I beg to state distinctly that that is my opinion; the decay of the population is not to be regretted," and the Lord Lieutenant did what was a bold thing—he reiterated his opinion in spite of the disapprobation evinced by the Irish gentlemen assembled at that banquet. Perhaps his Excellency felt that the decline of the population, if it were an evil, was an evil for which the Government was responsible, and therefore denied that it was an evil at all. Now, he ventured to think that no hon. Member would rise in that House and defend the Lord Lieutenant for making that statement; and, although the Attorney General called the decline of the population a phase of transition, one of those natural things which they could take no cognizance of or check, yet when they considered the difference which existed between Ireland and England in all the laws, without exception, bearing on the poor, he believed they would think that that decline proceeded from causes with which the House could deal. He thought it resulted from misgovernment; that it was attributable to various causes affecting the material prosperity and the political condition of the people. Every Irish Government, except the present, had come down to the House and declared that Parliament must do something about the land question. Lord Stanley many years ago brought in a Bill on that subject, which did not pass; and other measures of the same kind were subsequently introduced one after another, and all failed to pass. The Chancellor of the Duchy of Lancaster (Mr. Cardwell), indeed, brought in a Bill, which did pass; but this fatality had attended it—that not one solitary individual in Ireland had availed himself of its provisions; it was a dead letter. Committees, Commissions, and Governments had said that something should be done on the land question, but nothing had been done. Then take the subject of popular instruction. In England a system of popular education was in force, founded on distinct principles. They declared that the education supported by the Government must be given in those schools only which were connected with some religious denomination, or where the Bible was read. But in Ireland no school could get a grant which was connected with a religious denomination, or in which the Bible was daily read. He might mention a striking illustration of that. The late Mr. O'Connell subscribed to a Protestant school in his parish in Dublin, but the National Board deprived that school of the grant, because they detected that the Bible was read there. Of course, Mr. O'Connell continued his subscription after that decision. The people of Ireland were told by those whom they believed—by their bishops and clergy, that a different and a better system of education than the Irish one existed in England. They petitioned with one voice to have the English system extended to their country, but their petition was refused. The natural result was to give them a distrust of Parliament. Again, there were the Irish marriage laws, differing from the English, and rendering a priest liable to the penalties of felony in Ireland for celebrating a mixed marriage, which he might celebrate in England without being liable to any such penalty. That was a relic of the old penal laws. He proposed, however, to confine his remarks principally to the Poor Laws, which affected the poor most of all. They had the Irish people sending up petitions in shoals for the beneficial provisions of the English Poor Law. Yet their prayer was refused. He would endeavour to prove—first, that a substantial difference of law existed in the two countries; secondly, that to that difference of the law the decline of the population of Ireland was to be partly attributed; and thirdly, that if the English Poor Law were given to Ireland a large number of the poor of that country would obtain relief, and the rates at the same time be reduced. The Poor Law Amendment Act of 1834 for England and Wales empowered the Board by such rules or orders as it thought fit to declare under what conditions, to what extent, and for what period, outdoor relief in money, food, or clothing, might be given to able-bodied persons or their families in any particular parish or union. Before contrasting that with the regulations existing in Ireland, let him point out the circumstances under which the Irish Poor Law passed. It was introduced in 1837 by Lord John Russell. The Government of that day sent a Royal Commission to Ireland to inquire into the state of the poor, and report to them the provisions of the proposed Poor Law. A leading member of that Commission was Dr. Whately, the late Archbishop of Dublin. The inquiry extended over a period of three years, and the Commissioners presented a most able Report. That Report recommended outdoor relief, but Lord John Russell having his own opinion on the matter sent Sir George Nichols to Ireland, who took nine months to inquire into what had occupied the Commission three years. He reported to the Government, and they set aside the Report of the Commissioners. Lord John Russell said he was sorry to differ from the Commissioners in their principal recommendation, and that no outdoor relief should be administered in Ireland. He brought in his Bill, which Mr. O'Connell and many other distinguished Members opposed, on the ground that a mere workhouse machinery would destroy the people and rob the ratepayers. The Bill passed, however, as there were many persons who were anxious to try the experiment. Mr. O'Connell's prediction had turned out correct. When the famine arose the machinery provided to meet the distress broke down. Various Poor Law Unions violated the law and gave outdoor relief, and Government were obliged to amend their own Poor Law Act. The Bill recently passed as regarded outdoor relief provided that certain classes in Ireland might in certain circumstances receive outdoor relief—

> "If at any time by reason of want of room in the workhouse of any union adequate relief cannot be afforded therein to destitute poor persons, not being persons permanently disabled or destitute—poor persons disabled by sickness or accident, or destitute widows, or if the workhouse or houses of any union, by reason of fevers or other infectious disease, be unfit for the reception of such poor therein, then it shall be lawful for the Commissioners to give relief out of the workhouse to such destitute poor persons for any time not exceeding two calendar months."

The fundamental difference between the English and Irish Poor Laws was this:—That under the English Act an adult able-bodied pauper in perfect health thrown out of employment for a short time might, if the guardians thought proper, receive outdoor relief by being put to task-work or otherwise as the Commissioners might think proper, such outdoor relief to be given half in food and half in money; the Irish system was non-elastic; no amount of distress authorized the Commissioners to give relief to outdoor paupers, except to the sick or those suffering from severe accident. There were other smaller differences. In England the guardians could grant outdoor relief for the purpose of defraying wholly or partially the expense of the burial of any member of the family of a destitute poor person. A few nights ago a Bill was introduced by the right hon. Baronet the Secretary to the Lord Lieutenant, which would enable that small modicum of outdoor relief to be given—that is, a coffin might be provided by the guardians for the interment of one of a poor family without compelling the family to go into the workhouse; but the law in Ireland was still as he had described it, and several cases had occurred in which applications had been made for a coffin to bury one of the family of a destitute poor person, when the answer of the Board of Guardians invariably was, "Let the whole family come into the workhouse, and then only can we give a coffin to bury the dead person." Another difference was this—that while in England outdoor relief might be given to all widows during their first six months of widowhood, and to all widows having one child dependent on them, in Ireland there was no outdoor relief for widows unless with two or more children. There was also this difference—that while the families of soldiers and sailors in the Queen's service could receive outdoor relief in England when they became destitute, in Ireland they could not do so; their only resource was the workhouse. These points of difference were small, perhaps, but they were such as it might be felt desirable to remove with the view of assimilating the Irish to the English Poor Law. The main difference was that to which he had called the attention of the House with respect to the relief out of the workhouse of the adult able-bodied poor, and the question was, what effect did the two systems produce? In Ireland a labouring man went to the Board of Guardians and said, "I have a wife and three or four children; I have been thrown out of employment for three weeks, I want some relief." The Board of Guardians would reply, "It is illegal; we cannot give relief. The Poor Law Commissioners in Ireland have not the power; but we will give you relief if you, your wife and children, come into the workhouse." And now a few words as to the place into which the guardians would invite him to come. When the inquiry took place into the Irish Poor Laws in 1861, some questions were asked as to what was called classification in Irish workhouses. A question was asked of the Chief Commissioner for administering the law in Ireland by a Member of the Committee, who, adverting to the evidence of Colonel Latouche on the want of classification among the female inmates, asked if it was true that women of the town came into hospital with disease, and after cure were placed with the other inmates. The answer was, certainly; that in the South Dublin Union, where there were many women of the town, girls of fifteen years of age mixed with the adult females, and that procuresses were in the habit of sending women into the hospitals to bring out the young girls.

The last Report of the Poor Law Board in Ireland referred to what had been done on the subject of classification, and gave an abstract of the replies from the various unions on the moral classification of workhouse inmates. The answer of the guardians of the North Dublin Union was, that there was no rule of moral classification in their workhouse, except that women suffering from illness were sent to the hospital. Similar answers were sent from the Kilkee, Mohill, and other unions. Upon the same point the Poor Law Commissioners themselves said that but few of the replies were favourable to the adoption of more extensive moral classification, or to any attempt to distinguish by different treatment between one class and another on account of their characters and habits. Such was the last statement of the Poor Law Commissioners. Then came the question, what was the adult labouring man to do when, in reply to his application for relief, the guardians told him that he and his family must enter the workhouse? The man might have daughters of the ages alluded to by Colonel Latouche, and when he was told that if he entered the workhouse he would be separated from his wife and she from her children, and that his daughters would be exposed to the evil influences which were proved to exist in the workhouses of Ireland, he might very reasonably object to accept the offer made to him. In some of the workhouses of Ireland, and especially in Dublin and Cork, attempts had been made by the female inmates to set fire to the buildings, and a general mutinous feeling appeared to prevail. When these women were brought up to be sentenced after trial, one Judge remarked that the workhouses seemed to change the very nature of people, and none of the offenders before him appeared to be at all sorry for what had been done. The Recorder of Dublin (Mr. Shaw) said the cases tried before him showed the great difference that existed between persons brought up in the unions and those who supported themselves independently by their industry. Addressing the prisoners, the Recorder asked whether they preferred transportation to the workhouse, and one of them replied, "Yes, they were anxious to exchange the workhouse for the prison." The Recorder, in passing sentence, noticed the system whereby the inmates of workhouses were left in all the disgrace of idleness, and were not taught to occupy their time by any useful employment. The Poor Law Commissioners themselves, in their last Report, referred to the offences committed in workhouses by inmates who were desirous of being transferred to a prison, where they would be taught some trade, by means of which they might be able afterwards to rise above their present level in life. After that statement, the Commissioners went on to say that, as the outbreaks had never been connected with charges of ill-usage or personal discontent, it was difficult for them to apply or to suggest any remedy. That Report was signed by Mr. Power, the Chief Commissioner; Sir Robert Peel, Chief Secretary; Colonel Larcom, Under Secretary; and by two other Poor Law Commissioners. Although they declared they were unable to suggest any remedy for the existing evils, he really thought there was no great difficulty in finding a remedy, and he would venture to suggest one. Let the House remember that the workhouses in Ireland into which the labouring poor were driven were places in which not only were there the corrupting influences of no system of classification, but there was also a dietary scale far lower than was to be found in any English or Scotch workhouse. In the Dublin unions 10 per cent of the inmates died annually, and among the causes of death mentioned in the tables were many hundred cases of atrophy, which he took to be a polite name for starvation. Even the Commissioners had felt it to be necessary to call the attention of the guardians of one of the Dublin unions to the lowness of their dietary, because they gave but two meals a day — stirabout for breakfast, and for dinner also stirabout. It was possible that a change had since been made, but it was to the credit of the Commission that they had occasionally called the attention of Boards of Guardians to the insufficiency of the dietaries, although he believed they had no power to make any order upon the subject. The condition of the adult labourer in England and Scotland when out of employment was very different, and he would call attention to some illustration of that difference. At Birkenhead, where there was a large Irish population, the Poor Law Inspector, referring to the distress existing there, said it would have been most cruel to ask those poor people to break up their homes and destroy their feelings of independence by requiring them to come into the union, and therefore outdoor relief was given there to some 500 men and women and 700 children. The Poor Law Inspectors, referring to Wolverhampton and other places in England, also spoke of the habits of self-reliance which were engendered by the system of outdoor relief. It had often been said that in Ireland outdoor relief could not be adopted, because it would ruin the ratepayers, being so expensive. Now, in the Barony parish of Glasgow, where there was a large number of Irish poor, 16,000 destitute persons were relieved at an expense of £21,700, while in the north and south Dublin unions, where there was no outdoor relief, the relief of the same number of persons cost £48,249. Thus, in Dublin, if the Scotch Poor Law were carried into effect, they would be able to relieve double the number, and reduce the rates more than 8 per cent. That was the object of his Motion—namely, to reduce the rates on the one hand, and increase the area of poor relief on the other; and both these objects could be attained if the system, which existed in Glasgow and the rest of Great Britain were adopted in Ireland. It was objected that, under that system, the Irish unions would be overwhelmed by the rush for relief. But at Birkenhead and Glasgow, where there were great numbers of Irish poor, that result did not follow. In spite of the statement that it was illegal to give outdoor relief in Ireland, some Boards of Guardians there had broken the law. Such was the case in Drogheda, where the average daily number of paupers relieved during the year amounted to 6,133—3,900 in the workhouse and 2,200 outdoor. The cost of relief there was £6,897, while in the North Dublin Union, where 6,084 persons were relieved, and where there was not a single case of outdoor relief, the total cost was £20,997. Comparing the cost of relief, he found that in the province of Leinster the union lowest in the scale was Celbridge, where there was 21 per cent of outdoor relief. In Newry and Ballyshannon, which were very close together, the poundage was 7½*d.* and 11¼*d.* respectively, there being some outdoor relief administered in Newry, but none in Ballyshannon. The valuation of the unions of Enniscorthy and Wexford was identical, but in Wexford outdoor relief was given only in seventy-two cases, whilst in Enniscorthy it was given in 560 cases, and in the union where the larger proportion of outdoor relief was given the poundage was much less than where but little was given—a fact which was accounted for from the poor being less in number in the workhouse, and the relief given being necessary for a much shorter time. He found from official statements furnished by Mr. Power to the Irish Poor Relief Committee, that in the union of Coleraine by far the greater amount levied for the relief of the poor found its way into the pockets of officials, and he feared it was too generally the case in other unions. Of £2,324 collected in Coleraine for the relief of the destitute poor, £1,804 was expended in establishment charges; in Stranorlar Union the officials received double the sum expended on the poor; in Newtonlimavady £720 went to officials, and £360 to the poor; in Clifden Union £963 went to officials, and £632 to the poor; in Carrick-on-Shannon £874 went to officials, and £587 to the poor; in Ballymoney there was a similar state of things; and the same also applied to the unions of Ballymena and Clonmel. That accounted for the scandalous waste of money in the Irish poor relief, which was not to be found in England or Scotland, and showed that by a judicious system double the amount of poor might be relieved in Ireland for considerably less than was now required, thereby benefiting the poor and materially lessening the burdens of the ratepayers. The question was not merely to be considered with reference to a comparison of the two systems of relief, but with regard to the proportion of destitute poor; and he was inclined to agree, as no doubt it would be urged by the Government, that in Ireland the proportionate number of poor, although it was a poor country, was not so great as it was in England and Scotland; but he inferred from it that if they were to apply the English system to Ireland they would not have the same number in proportion to relieve. He hoped they would at least try the experiment. He was aware of the argument used by some hon. Members to the effect, that if there was a system of outdoor relief in Ireland there would be a general rush for it, and the ratepayers would be done up. What took place during the famine years was referred to in support of that argument; but an experiment made at a time when the state of things was completely abnormal could not be taken as a criterion. The class for whom he was pleading had little influence in that House or elsewhere, but the poor of Ireland were the source of labour, and, being so, they were the source of the national wealth of that country, and in driving them from the country by unequal laws they not only lost the material assistance which they gave in the production of wealth, and in the defence of the country, but they also produced political effects which were well worthy of consideration. The people of Ireland were in a position such as they had not previously occupied. What was called "Parliamentary policy" had no value in their eyes. They had sent petitions to the House year after year asking for a change in the law, and it was a most dangerous thing for the Legislature to tell them that it would continue to make a distinction in the law as between Great Britain and Ireland, and that the distinction should be against the latter country. It was not only the millions who were leaving Ireland that the Government and the House ought to consider, but those who were remaining behind. They ought to consider the social conduct and the political aspect of those who were remaining in the country. Formerly, when the people assembled at fairs or "patterns" they had music and other amusements; there was fun among them; but things had changed. The people were brokenhearted. Many of the once cheerful little hamlets had diminished or entirely disappeared. To take the King's County. A few years ago there were in the hamlet of Cunaghmore thirty-five houses; there were now eight. A similar tale was to be told of several other hamlets. A population of 146,000 had been reduced to 90,000. They were told that the people were emigrating. They were going, and, to use a common phrase, with a vengeance; and at the other side of the Atlantic they did not entertain feelings of loyalty and attachment to this country. And, as to those who remained, would the difference in the laws as between the two countries make the Irish at home respect and obey those laws? Then, what were they to think when they heard the Lord Lieutenant's declaration that Ireland was best suited for pasturage; in other words, that God's image was to be driven off the soil to make room for beasts? He thought that the Earl of Carlisle did not command the confidence of any section of the Irish people when he made that statement. But the Prime Minister himself, a Session or two ago, referring to the depopulation of Ireland, used somewhat similar language. He trusted that the Government would imitate the conduct of the late Lord Eglinton, who lamented the depopulation of Ireland, and did something towards developing the resources of that country. It was usual in England for the Poor Law Inspectors to offer suggestions for the improvement of the working of the law, as much in the interest of the poor as in that of the ratepayers; but in Ireland, if any of the Inspectors made a suggestion, he was reprimanded. His Motion was not one merely in the interests of the poor of Ireland, but in the interest of the stability of the Empire. It seemed a small thing to extend to Ireland the benefits of the English Poor Law; but it would be a most important change, not only in regard to the material interests of the people, but in its political results, for it would show the people of Ireland that they formed part of an United Kingdom, and could claim the benefits of equal laws and equal justice. In conclusion, he moved—

> "That this House is of opinion that it is just and expedient to extend to Ireland the beneficial provisions of the English Poor Law."

MR. BLAKE seconded the Motion, and said he would confine himself to the main cause of the depopulation and misery of Ireland, which he thought the Member for the King's County could have dwelt upon with more effect—namely, the highly unjust and injurious land system which prevailed over the greater part of Ireland. No doubt there was a very strong case for more extensive outdoor relief, but the necessity for it should be treated as a consequence of the imperfect or bad land laws. If the landlords knew their own interest, or if that House passed a measure which in the end would be one not only valuable to owner and occupier, but of vital interest to the State, there would be but very little need of outdoor or indoor relief in Ireland — no, there would be ample employment for all the able-bodied, who would, to a great extent, maintain at home their aged and infirm kindred. There were in Ireland fourteen million acres of land, exclusive of waste, and not only was that portion of it under cultivation not made to produce what it might, but there were some millions of acres lying useless which might be made available. It was necessary to call the attention of the House to the difference of the land system that prevailed in England and Ireland. In the former, when a man took a farm, it was on the understanding that he either got it in a good state as regarded the permanent improvements, such as the homestead, main drainage, fences, dykes, gates, &c., or that the landlord put them into order, charging, according to the agreement, an increased rental, or 5 per cent on the outlay. Now, in Ireland, the tenant had to do all this. In the greater number of instances his small spare capital and the labour of himself and family were expended in making the permanent improvements, and for a long time he would, consequently, be working against a dead horse. But this was not the worst of it. He might recover himself if he were suffered to remain long enough at the same rent, or that he was protected by a long lease; but, as too often happened, when the land was made valuable by the sweat of the brow of the tenant, the unfortunate man was made to pay the penalty of his industry by having to pay an increased rent for his own improvements, or suffer eviction. A positive bonus was thus offered to tenants at will not to improve, owing to the tyranny and injustice of some landlords. Many people attributed, erroneously attributed, the greater prosperity of Ulster to Presbyterianism and flax growing, but the last census would show the Catholic element was larger, and Mr. Donnelly's Returns would prove that flax formed a very minor portion of the crops. The real cause should be looked for in the land custom which had existed in the province for over 100 years. A man was secured in fair compensation for his improvements; accordingly he increased the value of his land, the landlord received in the whole more for his ground than in the south, it was punctually paid him, and he was never shot. Fully three-fourths of the farmers of Ireland were tenants at will, and from the uncertain position in which they were placed, as a rule they tilled and manured the ground sufficiently only to meet their rent and maintain themselves. Thus labour was badly paid for, and many unemployed and consequent distress. There were many good landlords in Ireland, of which that House afforded several noble examples. On the Government benches, from the Premier to the Junior Lord of the Treasury, and the hon. Member for Liskeard. There were just as good at the other side of the House also. But it was with the exceptions he dealt. Lord Carlisle is reported to have said that Ireland was destined to become the mother of lowing herds. It was not very statesmanlike of his Excellency, even in an English point of view, to look with complacency on man giving way for the beast on the soil of Ireland. His Chief Secretary was not much wiser either when he considered that England ceased to have cause for apprehension, when those who felt dissatisfaction with the Government left their country for other shores. Towards the close of last Session, one of the hon. Members for Galway (Mr. Gregory), in alluding to the vast emigration from Ireland, said that every man who left its shores bore with him a feeling of hatred to the English Government. So much the better, said the hon. Baronet, that they should carry their disaffection elsewhere. So much the worse, however, was it for England, as they became the well trained and loyal soldiers of a State having no friendly feeling to England. In spite of the thousands of Irish who had perished in maintaining the Federal flag, the greater portion of the nearly million of soldiers who still fought for the preservation of the American Union were Irish, and so impressed was England with the hostile feeling of that army, that she was obliged to keep 25,000 soldiers in Canada, not knowing the hour when it might be invaded by those who, according to the belief of the Secretary, had carried their disaffection elsewhere. Now, let them take another purely English view of the result of the depopulation of Ireland. It was calculated that England, on an average, made a profit of £3 per head by the consumption of English manufactures by the people of Ireland. Laying aside the two millions who had perished by famine since that sad period, nearly as many had gone away, and thus six millions of gain per annum was lost to the English manufacturers. But now he came to the greatest loss of all that England sustained by the land system which she countenanced in Ireland. That country was formerly her best recruiting ground. Irish valour and the number of Irish soldiers in her armies once made England a first-class military Power, and enabled her to keep an independent tone towards Europe. What was she now? A third-rate power as regarded the army she could bring into the field. ["No, no!"] Well, he would give them figures. The whole British army of troops of the line consisted of 150,000 men. Of this they had to keep 80,000 in India to watch the Sepoys, and 25,000 in Canada to watch the Irish at the other side of the border. In the Mediterranean stations there were fully 10,000, and, at the least, 5,000 scattered through the colonies. Thus they had only 25,000 available troops. This, no doubt, might be increased to 50,000 more, but even that force could hardly be considered available, as, with the discontent and disaffection that prevailed in Ireland, they should, in the event of a European war, leave an army of occupation there, so that that country would, in such a case, be a source of weakness and alarm instead of strength. It was a strange infatuation on the part of the Government, still more on that of the landlords, that they did not remedy this state of things which endangered the safety of the State, and the property and even the lives of the landlords; for, sad to say, as they too well knew, aggression on the one side had produced violence and bloodshed on the other. Heaven forbid he should in the slightest degree palliate murder, but the distracted peasant too often found that the terrorism which the fear of assassination inspired was the only safeguard they had from injustice; and, in a degree, that House was responsible for the terrible crimes which followed from the unjust land system which he attempted to describe. In conclusion he would implore the Legislature, as it valued the peace and prosperity of the Empire, and the preservation and loyalty of a gallant and faithful people, to extend to them, as a matter of sound policy as well as justice, that protection for their industry which had so often been sought in vain. Until they did so, it would be impossible to expect the country could ever become peaceful, prosperous, or happy.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that it is just and expedient to extend to Ireland the beneficial provisions of the English Poor Law,"—(*Mr. Hennessy,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. VANCE said, the hon. and learned Gentleman introduced the Motion in a speech of considerable ability, in which he took a wide range. He could, however, agree with the hon. and learned Gentleman in very few of the conclusions which he had drawn from rather elaborate premises. The hon. and learned Gentleman began by stating that he believed that the great emigration from Ireland arose from three causes. Firstly, from the land question not having been satisfactorily settled; secondly, from the state of the Poor Laws; and thirdly, from the state of the marriage law. Now, he (Mr. Vance) was of opinion that the land question could only be well settled by good-will and harmony between the landlord and tenant, and not by any legislative enactment of that House. As to the Poor Law, he did not think it had anything to do with emigration; and as to the marriage law, it was perfectly futile to suppose that it had any influence upon it. The emigration from Ireland had arisen in a great measure from the repeal of the Corn Laws, which necessitated the introduction of a new system of agriculture in Ireland, which turned the country into green fields. Grazing, as every one knew, required a smaller population than tillage. He believed also that the Encumbered Estates Act had a good deal to do with the emigration. Very large estates were sold under that law, and they were taken by a very different class to the ancient proprietors, who were content to let their land at a low and a moderate rent, whilst the modern proprietors got the very utmost they could obtain. The consequence was, that the tenants had not the interest in the land they previously possessed. They could not maintain their families with the same degree of comfort as they did under the old proprietors. The end was, that the people emigrated, and would continue to emigrate so long as the wages offered them in America were so much higher than those they could obtain in this country. It should also be remembered that the facilities for emigration were much greater than they were formerly. The people could proceed by steam vessels direct from Cork or Galway to America in ten days, for small sums, instead of having to pay a passage to Liverpool and proceed thence by sailing vessels to their destination. The hon. and learned Gentleman had not stated specifically in his Motion what were the beneficial provisions of the English Poor Law which he wished to introduce into Ireland, but he supposed that the Motion would scarcely be adopted by the House unless the whole system were applied to the sister country. If that were done, the landlords would be much obliged to the hon. and learned Gentleman, for they would be the persons mainly relieved, as instead of the landlords having to pay half the rates, the whole burden would fall on the occupiers. There was another provision as to the bastardy law that was different. At present, nothing could be done to put the law in force, unless the mother became chargeable on the rates. In this country she could affiliate a child at any time. Did the hon. and learned Gentleman wish to extend this principle? Did he think it would encourage the morality of the people of Ireland? [Mr. HENNESSY: It is not a "beneficial provision."] Then there was the law of settlement. Was that to be assimilated? The hon. and learned Gentleman should have made his Motion clearer, and said what these beneficial provisions were. He had not done so, and they must take the Motion as it stood. It was admitted on the introduction of the Irish Poor Law that it was a great experiment, and on no other grounds would the landowners have allowed it to pass. He would quote the opinions of some dead and some living men on the subject. Mr. O'Connell, in 1838, said, he could not agree in the principle of any Poor Law for Ireland that would go beyond the relief of the lame, the impotent, and the blind, and those who were utterly incapable of labouring for their own sustenance. Mr. James Grattan said, in Ireland a Poor Law should be confined to indoor relief. The hon. and gallant Member for Roscommon had formerly followed in the same strain, and the Earl of Carlisle, when Lord Morpeth, distinctly stated that the only principle on which the people of Ireland would consent to a Poor Law, was on the workhouse system. The hon. and learned Gentleman had alluded to the workhouses of Dublin. He (Mr. Vance) had a pretty intimate knowledge of how the poor-houses were conducted. The guardians, whilst using the justest economy, were actuated by feelings of extreme humanity to the inmates, but they felt that any system of outdoor relief in the large unions would be abused to an almost incredible extent. In Dublin the poor rate was very heavy, notwithstanding the alleged poorness of the diet. For his part he did not think it desirable to give too good a diet; the inmates ought to have a bare support to induce them to leave as soon as they had an opportunity. The outdoor relief referred to by the hon. and learned Gentleman had been given where industrious bodies were located, who were only occasionally compelled to apply for relief, and would spurn the idea of constantly receiving it. In large unions, where it was impossible to examine into the circumstances of every individual, outdoor relief would be abused to an extent almost incredible. It might be economically administered in small rural districts, but that was because the condition of every man was known, and the rates could therefore be protected. The hon. and learned Gentleman had also alluded to the number of able-bodied women who were in the South Dublin Union, observing that their conduct in the workhouse had been very rebellious. He had not, however, stated the reason which led to that conduct, which was that a plan which had been formed for their emigration had been opposed, as it was about to be carried into effect, by a Roman Catholic clergyman, who was afraid that proselytism might be attempted among them. In dissatisfaction at being deprived of the opportunity for emigrating, their discontent originated. He might add on another point, that having gone over not only the Dublin workhouses, but also a great number of those in the country, he had arrived at the conclusion, that a considerable reduction in the official expenditure in these institutions might be made. He felt at the same time satisfied, that if the workhouse test were not retained, the consequence would be that there would be in every direction a rush on the rates, which must end in the general confiscation of property in Ireland.

SIR FREDERICK HEYGATE said, that he was not surprised at the first part of the notice of the hon. Member for Queen's County, nor that he should view with alarm and sorrow the departure from the shores of Ireland of so large a part of the population. Unfortunately statistics proved that of late years there had been a decline in the prosperity of the country. He, for one, regretted to see that population leave the country which should be its strength, and which should contribute to the greatness of the Empire. He could not forget that Ireland had contributed so largely to the roll of great men who had adorned this country. Wellington, Burke, Grattan, and, at the present day, the venerable Premier, with those heroes of India, Montgomery and the Lawrences. Her soldiers, too, had bled on many a bloody field for Britain's honour, and helped to raise to its present pitch the glory of the Empire. He would briefly allude to the various reasons given for the relapse in Ireland's progress, and to the nonsense—he could call it nothing less—that was often talked in this country. Why, Sir, at one time, they were told of Ireland that it was not the climate nor the soil that was to blame, but the idleness and folly of man; at another time, that it was so wet as to fit the land only for grazing; that they should confine themselves to cattle and sheep, and leave growing corn to countries more fitted by nature. So of flax; they were told to increase flax to any amount, forgetting that it could only be profitably grown on land suited to it, and in a proper state of cultivation. The truth was, that vast portions of Ireland would not lie down in grass for any length of time, but required breaking up, and much of the country was unsuitable to sheep—a proper rotation of crops being as necessary there as in England. At one time he was told that the misfortunes of Ireland arose from want of manufactures, and they were blamed for their neglect of these unrivalled water-powers. At another that it was presumption to fight against nature; that Ireland was intended by Providence to be an agricultural country, and that it was folly to vie with England, so rich in capital and skill; and for a country without coal to compete with one having such large supplies of that material. These were some of the causes given for Irish distress; but he would leave to the Committee just appointed the pursuit and discovery of a remedy. But there was one thing clear to him, and that was, that the want of more general outdoor relief did not cause the decline. He did not believe the Poor Laws had anything to do with the matter. The labouring class was perhaps, in Ireland, the only one better off than formerly. Their wages were greater, their position much improved, as shown by their greater consumption of exciseable articles. And yet this very class seemed determined to emigrate; the attraction across the Atlantic being too strong; and well clothed, and with money in their pockets, by all accounts they leave Ireland in shoals for a distant land. Could it be believed that the temptation of outdoor relief would keep them at home? It was stated by the hon. Member that no country could be manufacturing with no system of outdoor relief; that, where trade was bad, without relief the operatives would fly, and when demand revived, hands could not be got. He thought the cases of Belfast and Derry disproved this. In Belfast trade has been often slack, but he never heard that the operatives of that energetic city either deserted it, or were supported by the rates. As to the small farmers, who pay so much of the poor rate, he thought the effect of outdoor relief, and consequent increase of the rate, would, in addition to the bad seasons and smallness of their farms, have caused them to emigrate in larger numbers. He observed that emigration had been less in Ulster than elsewhere in Ireland. Why was this the case? The Poor Law was the same there—the seasons had of late been as inclement, the crops as indifferent, and the shopkeepers of the small agricultural towns could best tell the pressure amongst the small farmers. The comparative increase of pauperism had been greater in Ulster, and the rise of wages less there than in other provinces—yet emigration was nothing there to what it was in other parts of Ireland. If emigration arose from want of outdoor relief, why was it not more serious in Ulster? If, however, a change in the law was required, he thought the cost of it should not stand in the way, and he felt certain that the landlords of Ireland would not grudge th extra cost if they were once convinced that the outdoor principle of relief was for the real advantage and interest of the people. In this matter, however, the House should remember the decided results and opinion of the Select Committee on this very subject two years ago. Irish Members were referred to the superior advantage of the Scotch law; bu twhat was the fact? Why, the Scotchmen were copying the Irish system as fast as they could. From their former system of outdoor relief they were now imitating the example of Ireland. The report of Mr. Falconer, the Scotch Inspector, to the Board of Supervision, stated (1863)—

> "That there were now forty-eight workhouses in operation in Scotland, having accommodation for 12,369 inmates. When the workhouses which are in progress of erection are completed, the number of parishes having poorhouses will be 327, with an aggregate population of 1,886,787."

In another place he says—

> "Where a poorhouse is in operation, we always observe more contentment and self-reliance amongst the poor."

Again, before the Committee of 1862, Mr. Senior (Poor Law Commissioner for Ireland) expressed a strong opinion against an extension of outdoor relief, both on the ground of the difficulty of its management, the abuses to which it might give rise, and the damage it would do to the self-reliance of the people themselves. Mr. Briscoe (General Superintendent of the Scotch Poor Law) had given a most ludicrous, though painful, account of the abuses practised in Scotland, under the system of outdoor relief. He (Sir Frederick Heygate) would quote a few of them. Mr. Briscoe stated that he found a man on the rates, whose son had a farm—rent £200 a year —a widow, whose son was piper to the Queen at Balmoral and Windsor—a man, whose brother had 2,000 sheep—a woman, sister to a late Provost, with £500 a year in land—a lunatic, whose brother had £3,000 at his banker's—lastly, a man whose brother-in-law was worth £20,000. With regard to chastity, he (Mr. Briscoe) had reported as follows:—

> "Outdoor relief has a serious effect upon female chastity, from the facility of getting relief for bastard children."

Again, he stated—

> "With respect to morality, it is one of the great causes of unchastity in young women in Scotland, and he thought the feeling was gaining ground."

He concluded—

> "That it had deteriorated, to a great extent, truth, industry, morality, self-respect, self-reliance, the natural affections and independence of character; it had changed (in the Highlands) the whole character of the people; there was no shame now in demanding relief, even amongst some of higher station."

This was the system it was proposed to follow, although he did not himself believe Irish Boards of Guardians would ever allow such practices as these. But it was alleged that no outdoor relief was now given. Nothing could be farther from the truth. The last Return showed that 10,000 persons in Ireland were receiving outdoor relief, or one in six of the whole number of paupers on the rates. As the law stood, Boards of Guardians could relieve, with outdoor relief, orphans, foundlings, the aged, and widows with two or more children. Was this nothing? Again, was the Medical Charities Act to be ignored?—a medical outdoor relief of the best description. In England the parish doctor received a miserable stipend. He had to find his own medicines, his own abode or dispensary. How superior was the provision for the Irish peasant in sickness! A dispensary was fixed in every district, attended by a competent medical man, fairly paid, the medicines provided, and, in case of need, the sick person attended in his own cottage. So much for there being no outdoor relief in Ireland. But he (Sir Frederick Heygate) begged to remind the House of the vast difference in the position and habits of the English and Irish peasant. If the English labourer is out of work he has nothing to fall back on but his furniture and his credit. He has everything to buy, and the rent of his house to make up. But the Irishman, in almost every case, has his bit of land, often his cow, his small store of potatoes or meal, his rent (if he pays one in money) will wait, and he has, if at all provident, that necessary article, fuel, for the trouble of saving it. In addition to this, he has an almost inexhaustible resource in the charity and assistance of his neighbours, amongst, perhaps, the most kind-hearted people in the world. He thought it was only right that this distinction should be pointed out. The hon. Member had named the Union of Celbridge amongst others as one where outdoor relief was largely given, and yet where the rates were very low; but this was an unfair selection. Celbridge was a union where the valuation bore one of the highest proportions to the population of any in Ireland, the population there being only 19,580, while the valuation was £115,020. But what would the case be in unions where there was a large population and small valuation under a system of outdoor relief? Why, the property would be swamped. The following calculation could be relied on, and he would read it to the House. The effect of an increased rate upon a poor and rich county was shown in the contrast between Derry and Donegal—

	Population 1861.	Valuation.	Expenditure in relief.	Poundage of Expenditure on Valuation.	Expenditure per Head on Population.
		£	£	s. d.	s. d.
England & Wales...	20066224	71823203	6077922	1 8¼	6 0¾
Ireland ...	5798564	12567495	652202	1 0½	2 3
Union Cos. of Londonderry...	193754	377747	12731	0 8	1 3
Donegal..	224851	227223	13048	1 1¾	1 2½

If the expenditure in Ireland, with outdoor relief, were at the same rate as the average for England and Wales—namely, 6*s*. 0¾*d*. per head on the population—the result would be—

	Cost of Relief.	Poundage on Valuation.
Ireland	£1757690	2s 9d. instead of 1s 0½d
Londonderry	58732	3s 1¼d. instead of 0s 8d
Donegal......	68158	6s 0d. instead of 1s 1¾d

In conclusion, he (Sir Frederick Heygate) was convinced that no class in Ireland would gain by the change. It would demoralize the population, as it had done in Scotland ; it would lead to difficulties in the administration of the law where none now existed ; it would destroy the self-reliance of the people, and inflict a most oppressive burden upon the ratepayers, many of them hardly removed above the class who would receive relief. And, while it would be productive of these evils, he did not believe that an increased power of outdoor relief would, in the least degree, develop the trade of the country, or retain a single emigrant from leaving the shores of his native country. For these reasons, he must give his decided opposition to the Motion before the House.

MR. POLLARD-URQUHART said, that the hon. Baronet was mistaken in supposing that the proprietors and occupiers in Scotland were endeavouring to put a stop to outdoor relief there. They were no doubt building workhouses in many parts of Scotland, because some test of destitution was wanted ; and without some such test there were no means of guarding against imposture. The hon. Baronet had quoted Mr. Briscoe to prove that the same abuses which had arisen in Scotland would be repeated in Ireland ; but at the time and in the instances quoted by Mr. Briscoe the Poor Law was administered in Scotland by parochial boards, and not by Union Boards of Guardians, by whom abuses were much less likely to be sanctioned. In almost all the cases, too, cited by Mr. Briscoe, there was no workhouse test of destitution. In Ireland, also, the landed proprietors were in the habit of attending the meetings of the Poor Law Guardians, which was not so much the case in Scotland. He spoke from practical experience of both countries when he said, that a greater amount of outdoor relief might be administered in Ireland without injustice or danger. A great deal had been said about Irish distress during the last four years. Previous to 1841-2 similar complaints of distress proceeded from the Highland districts of Scotland. The late Sir Robert Peel sent down Commissioners of inquiry, and upon their Report proposed a more liberal system of Poor Law relief than had up to that period been obtained in those districts. Since that time the House had been very little troubled with complaints of distress in the Highlands. It was quite true that the present Poor Law in Ireland admitted of a considerable amount of outdoor relief. In some cases the law was liberally administered, but in others quite the reverse. He did not know what power or influence the Secretary for Ireland might possess, but if, where complaints of distress were made, the right hon. Baronet could secure a more liberal administration of the law he would be doing great good, and the House would thenceforward hear no more of Irish distress than it had heard of Scotch distress since 1843. With respect to the question of land tenure, if Her Majesty's Government were able and willing to face it, they might do great good to Ireland. The Government in which the noble Lord the Member for Cockermouth (Lord Naas) was Chief Secretary, had grappled with the question, but they had been obliged to quit office, and the Bill was dropped. The Earl of Aberdeen's Government had attempted to face it, but the outbreak of the Crimean war had put an end to their endeavours. He was convinced, if a Bill such as they had introduced were passed, it would put an end to a great deal of humbug and of agrarian agitation. That might be easily judged from the abuse which, when the Bill was under discussion, was heaped upon the Government and the Irish Members who were in favour of the measure by the agrarian agitators. In fact, the agrarian agitators dropped the Bill just as Mephistopheles was said to have dropped the Bible. Burns' *Belgian Agriculture* showed what an excellent system of cultivation might be carried on by small farmers when they had security. It was said that emigration from Ireland was inevitable, and at the time when the people were suddenly deprived of the potato no doubt emigration was the great resource. But now it was more an exodus than an emigration ; and an exodus from any part of the United Kingdom denoted a screw loose somewhere, and ought not to be allowed to continue without an attempt on the part of the Government and the Legislature to provide a remedy.

MR. O'REILLY said, he regretted that he could not accept the Resolution of the hon. Member for the King's County ; it was too vague to command assent. For what was the Resolution ? It was—

> "That the House is of opinion that it is just and expedient to extend to Ireland the beneficial provisions of the English Poor Law."

But that was either a truism, or, if it

meant that the English Poor Law in anything like its largest provisions and its whole scope was more beneficent than the Irish system, that was a proposition from which he must entirely dissent. The most striking feature in the English Poor Law was the law of settlement, which deprived a pauper of relief unless he had a settlement, and sent him to the parish in which he might have had one. But the Irish Poor Law gave the poor man relief wherever he happened to be where distress found him, and he held that in that respect the Irish system was far more beneficent. The next remarkable difference between the systems was this, that while in England the rates were paid by the occupiers, in Ireland half of the rates was paid by the owner; and he considered that a much sounder principle, because it combined all classes in a just union of interests to put a stop to excessive expenditure. There was a third point in the English system which he considered objectionable, but which he believed was now almost wholly given up, and that was giving relief in aid of wages. Many of the faults which the hon. Member for the King's County alleged against the Irish Poor Law were, in reality, faults of administration, not of the law itself, and might be remedied by the local authorities. The hon. Gentleman complained of want of classification, but that depended upon the guardians, and had been actually carried into effect by different boards in the way which the hon. Gentleman required. No doubt the South Dublin Union was remarkable for the turbulence of its inmates and the bad results of its management, though it had been defended by the hon. Member for Dublin (Mr. Vance). In that union classification was not carried out. But in the union with which he (Mr. O'Reilly) was connected, the strictest separation between females of bad character and the virtuous inmates had been carried into effect for the last fifteen years. And the same principle of classification had been adopted in many unions. Again, the hon. Gentleman spoke of the dietary. But that was precisely one of the points of administration which were within the competence of the Boards of Guardians. In some unions, no doubt, the diet was most inadequate; but then the guardians had it in their power to grant any scale of diet they pleased, subject to the approval of the Poor Law Commissioners, and in most cases it was adequate. The rule laid down in the union of which he had personal experience was, that the diet of the adult poor should be kept low, in order that it might not come into too favourable comparison with the diet of the working classes. But the diet of growing children and young people was not only adequate but generous. The hon. Gentleman, in speaking of the bad results of the training given in workhouses, had instanced the Cork Union and the South Dublin Union; but he (Mr. O'Reilly) believed they were the only examples which could be named in which paupers had been brought before the magistrates for insubordination. It was with much pleasure that he saw the high testimony that was borne by one of the emigration agents to the character of some of the paupers sent out from the Irish workhouses. To his own knowledge the children brought up in the workhouses had turned out well, not only at home but also as emigrants. But the real point in the Motion was the extension of the system of outdoor relief in Ireland. He (Mr. O'Reilly) should be glad to see widows for the first six months, or widows with one child, and not merely widows with two children, as at present, entitled to such relief. Then, as to granting coffins for persons who had died without obliging their families to enter the workhouse, he believed the law in that respect had been read rather laxly, and in favour of the poor. But, at all events, he never knew an instance in which a poor man was in want of a coffin that a collection was not immediately made by the neighbours to provide one. The law in that respect was about to be changed. With regard to the case of the wives of soldiers, he did not lay much stress on it; but as the husbands were engaged in the public service, he thought it would be very fair for the Boards of Guardians to exercise a discretion in their favour. But coming to the largest class of all, the adult able-bodied poor, he considered that in the case of a sudden, unexpected, and peculiar pressure, such as was experienced in the West of Ireland about two years ago, from an unprecedented failure of the crops, it might be desirable that the Boards of Guardians, with the sanction of the Commissioners, should sanction outdoor relief. Such distress like that in Lancashire was an exceptional case, to which the ordinary law did not apply. But what was the opinion of the guardians, more than half of whom were elected by the ratepayers, as to giving ordinarily outdoor relief to the able-bodied poor? Why, the truth was, that they did not give it at present to the fullest extent in their power. There were only three unions in Ireland where outdoor relief was afforded to the fullest extent contemplated by law. He, therefore, did not believe that there was on the part of the ratepaying occupiers that great demand which had been represented for increased power to grant outdoor relief. The question of expense had been alluded to, and he admitted that the pauper in receipt of outdoor relief generally cost less than the indoor pauper, but the question was whether the number of applications for relief would not be greatly increased if the law upon the point were to be too much relaxed. He maintained that there was no sufficient ground for the large extension of outdoor relief which had been suggested, because it was not generally called for throughout the country. He believed that a great majority of the Boards of Guardians, in answer to questions addressed to them, had declared against any large extension of outdoor relief, but not against outdoor relief to a limited extent. They were also against any sweeping extension of the area of taxation. He sympathized with the hon. Gentleman in his regret at the diminution of the population of Ireland, but he ventured to ask whether the application of the English Poor Law to Ireland, whether any increase of relief that could be claimed under it, and whether the English Law of Settlement, which would render it an object in various districts to get rid of the poor population, would have any tendency to keep the people in the country. The hon. Member alluded to a speech delivered by the Queen's representative in Ireland. For himself, he differed as much as any one from many opinions expressed by that noble Lord. He did not believe, like the noble Lord, that it was the future destiny of Ireland to be a country for feeding flocks; but he believed that it would be a country of tillage and agriculture. He felt, however, that he should not be acting honourably if he did not set the hon. Member right on a point with respect to which he had misapprehended the Earl of Carlisle. The noble Lord did not say, on the occasion referred to, at which he (Mr. O'Reilly) was present, that the decrease of the population of Ireland was a benefit, or anything of the sort. On the contrary, the noble Lord expressed his regret at the diminution of the population; but he did not concur in the sentiment expressed in the lines—

> "Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay;"

for the noble Lord questioned whether it would not be a greater evil for men to accumulate and wealth decay, because then there would be more mouths to feed and less to feed them with.

Sir HERVEY BRUCE said, that he, for one, was anxious that the destitute poor of Ireland should at all times be treated with as much humanity as was consistent with the duty which the guardians owed to the ratepayers, many of whom were unable to obtain food for their families equal to that given in workhouses, and few able to obtain it equal to that given in our convict establishments. He had listened with attention to the able speech of the hon. and learned Member for the King's County, but he could not admit that that hon. and learned Member's practical knowledge of the subject was equal to his theoretical, for practical knowledge was only to be acquired by watching the cases that came before the Boards of Guardians, and the pressure put on the guardians in order to induce them to give relief. The hon. and learned Member had not that experience, for when Parliament was sitting they were all aware of his constant attendance in that House, and when the holidays came the hon. and learned Member did not attend the meetings of Boards of Guardians, but the blandishments of those fair ladies who naturally paid court to him, on account of his defence in that House of the cause of their parents and brothers, allured him to other places. As to any legislative enactment for ameliorating the system of outdoor relief, he scarcely thought it necessary, as the guardians had sufficient power in their own hands. The hon. and learned Member talked of the dietaries, but a statement of the dietaries in the Irish workhouses which was moved for last year, but was not yet presented, would show that the hon. and learned Member was wrong in his assertions as to their very inferior state. He had taken a great deal of trouble last year to collect the dietary tables of English and Irish unions, and found that, generally speaking, those in Ireland were superior to the scales of diet given in England. It was, no doubt, sad that while a soldier was abroad fighting the battles of his country, his wife and children should be obliged to enter the walls of the workhouse. But there was another side to the picture. The soldier might be abroad spending his money in drink and debauchery, while unfortunate ratepayers at home were taxed for the support of that man's family. The hon. and learned Member for the King's County, in his enumeration of the charges under the Irish Poor Law, had forgotten some items. The poundage on the annual value of land in Ireland was the same as in England—1*s.* 0¼*d.*; but, taking the income of England into account, he found that the amount expended on the Poor Law here was only 5½*d.* on the pound of income charged with income tax, whilst in Ireland it was 7¼*d.* in the pound. The hon. and learned Gentleman forgot also the expense incurred under the Medical Charities Act, amounting to one-sixth of the entire outlay. The establishment charges also were extremely heavy, the actual amount expended upon the relief of the poor being but £387,965 out of a total of £600,000. A large proportion of the balance was absorbed by payments to officers employed mainly in registration duties partaking of an Imperial character, and totally unconnected with the legitimate business of the relief of the poor. He (Sir Hervey Bruce) thanked the Government for having introduced the clause in the Vestry Bill with respect to interments, as the previous state of the law was a disgrace to the country, but he thought it eminently wrong that the charges for poor relief in Ireland should be encumbered with items for the registration of births and deaths, and other matters. On that subject he had placed an Amendment on the paper which he would be unable to move at that time, as he could only move it if the hon. Member carried his Amendment, which he felt sure he could not do; but he would introduce it on some future occasion as a substantive Motion. The hon. Gentleman would hardly say that the weekly average cost of 2*s.* for maintaining paupers indoors, the rate in that part of the country with which he was best acquainted, was excessive; and the highest weekly average in Ireland was only 2*s.* 7½*d.* It was difficult to obtain as clear an idea of average cost from the Returns furnished in England, but the expense, taking both indoor and outdoor relief, appeared to be 62*s.* a year. He thought the hon. and learned Gentleman could scarcely ask the House to go to a division upon so very vague a Motion as he had put before it.

Mr. DUNLOP said, he wished to correct a misapprehension under which the hon. and learned Member appeared to labour. According to the law of Scotland there was no legal title to relief on the part of able-bodied men, either in the workhouse or out of it, and he thought the system calculated to foster a noble spirit of independence. With regard to the cases of abuse cited from the evidence of Mr. Briscoe, it should be remembered that although individuals in reduced circumstances might have wealthy relations, they were not always under a legal liability to pay for their support. In any case, the pauper applicants must first be relieved from the rates before steps could be taken to make their relatives responsible. Moreover, it was not the object of a workhouse to shame the friends of poor people into giving them moneyed support. The object was to test the circumstances of the paupers themselves.

Sir PATRICK O'BRIEN said, he thought that every one would admit that his hon. and learned Colleague had made a most able speech in introducing this question to the notice of the House. He thought, with reference to the latter part of the Resolution, that the hon. Member would have done better had he introduced a short Bill to remedy the evils pointed out, instead of proposing an abstract Resolution, the nature of which could not well be understood. The question of outdoor relief was as much an occupier's question as a landlord's question. If the hon. and learned Member should divide on the question, he should, after his able statement, be unwilling to vote against him; but he certainly should not feel justified in voting for an abstract Resolution which would throw upon the occupiers of land in Ireland the cost, not only of a system of outdoor relief, but also of a law of settlement. He trusted, however, that his hon. and learned Colleague would content himself with the statement he had made and not divide the House.

Mr. HERBERT said, he had listened with much pleasure to the able and temperate speech of the hon. and learned Member for King's County, and he wished to bring to his notice two points of some importance upon which he had not touched. The hon. and learned Member had discussed almost all the important differences between the Poor Law of Ireland and the Poor Law of England, but he had carefully avoided those parts of the Poor Law which no one in his senses would propose to continue even in England if they were beginning to legislate on the subject, or would attempt to extend to Ireland. He alluded to the law of settlement as it existed in this country, and the other points referred to by the hon. Member for Longford. Divesting the speech of the hon. and learned Member for the King's County of much that was eloquent and interesting, it came to this—that he lamented, as every one must lament, the emigration which was now going on from Ireland, and proposed to remedy it by the extension of the system of outdoor relief. For his own part, he believed that the Legislature could do nothing to stop that emigration. Any measures which they might adopt for the purpose would be entirely inoperative. As long as there was so great a difference between the rate of wages in America and in Ireland, it was idle to attempt to stop the tide which was now flowing. The strong tie which formerly bound the Irish peasant to the soil was lost, for not only had he seen hundreds of thousands of his countrymen departing on their journey across the Atlantic, but he was constantly receiving, or was daily in the company of others who received, the most glowing accounts of the prosperity which awaited them at the end of the voyage. Under such circumstances, it was but a poor estimate of the people of Ireland to suppose that a mere extension of outdoor relief would prevent men and women, who were ready to work for their livelihood, from emigrating. But not only would such a measure be inoperative to prevent emigration, it would increase and encourage it in every possible way. What retained nineteen out of twenty of the peasants in the south and west of Ireland in the country was their attachment to their wives and children; but if it were made certain that the wife and children of any man who went to America would be allowed to remain in their cabin, and would receive unlimited outdoor relief, the greatest possible inducement would be held out to that class of persons to emigrate. The ratepayers would also be affected. When the hon. and learned Member talked of assimilating the Poor Law of Ireland to that of England, he forgot the difference in the station of those who paid the rates and those who administered the law. In the districts in which emigration was principally going on the greatest part of the rates was paid by a very poor class, and outdoor relief would increase the amount of the rates. Nothing could be more calculated than such an increase of the rates to drive the smaller ratepayers out of the country. The hon. Member for Longford, in his able and excellent speech, had put the case very fairly before the House. The hon. Member had put the case of a district so distressed as to render extensive outdoor relief necessary. But even in such a case it would be necessary to exercise the greatest wisdom and discretion, lest in endeavouring to remedy one state of things they produced a worse state. In the southern and western parts of Ireland the ratepayers were often more fit to receive relief than to pay a rate. Outdoor relief in such a district would drive the people away. There were instances of that in the famine year. Sir Charles Trevelyan said that all they had to do was to lay rate upon rate until the necessary funds were raised; but after a certain time it was found that each rate created more paupers than it relieved. The subject alluded to by the hon. and learned Member for King's County, and by the hon. Member for Longford, had been carefully considered by the Committee on the Poor Law three years ago. The hon. Gentleman had complained of the want of classification in the workhouses. A modified system of classification had been recommended, but they had rightly approached the subject with that extreme caution with which every one who administered the law should approach it. They ought to recollect what classification meant in the case of women; he could not allude to it more particularly, but would ask them to consider what the consequences would be of putting women in the wrong class. A system of classification might place in the hands of a relieving officer or a guardian who had improper motives a fearful power. He believed that the guardians of the poor were most anxious to act rightly, and while he admitted that careful classification was necessary, he hoped that there would be no expression of opinion from that House that it ought to go further than it did at that time.

Sir ROBERT PEEL: Sir, I agree very much with what has been said by my right hon. Friend (Mr. Herbert) as to the ability and research which the hon. and learned Gentleman has shown in submitting this question to the House; but I think it is evident, from the tone of this debate, that the support which he is likely to receive either from hon. Gentlemen from Ireland or from the House generally is very small indeed. I am sorry that in the observations which the hon. and learned Member made he thought it necessary to review generally the conduct of the workhouse system, his remarks upon which were well answered by the hon. and gallant Gentleman the Member for Longford. In only two instances have there been disturbances of the nature of those to which the hon. and learned Member has referred as being general throughout Ireland. The Motion of the hon. and learned Gentleman is very comprehensive, and takes in the whole social economy of the population of Ireland. In submitting it to the House the hon. and learned Member has alluded to certain causes which he says have led to the recent emigration, and he has urged the assimilation of the Irish Poor Law to that of England. He has also touched upon the state of feeling in Ireland as one of general dissatisfaction. I shall presently deal with that point, but in the meantime I should like to treat of other matters to which reference has been made. The hon. Member for Coleraine (Sir Hervey Bruce), cannot, of course, move his Amendment to the Resolution of the hon. and learned Member for the King's County, but I may be permitted to remark that he appears to have entirely misunderstood the question at issue. In England a very large sum is levied yearly which is not directly devoted to the relief of the poor, and when the hon. Member complained of the expenses of the registration of births, deaths, and marriages being placed on the poor rate in Ireland, he surely must have been aware that exactly the same thing is done both in England and Scotland. During the ten years ending 1859-60, the enormous sum of £77,906,000 was raised in England under the head of poor rate, and of that sum no less than upwards of £18,000,000 was disbursed for purposes wholly beside the relief of the poor. With regard to the Motion before the House, I quite agree with the hon. and learned Member for the King's County that the system of outdoor relief in England and Scotland is vastly different from that which exists in Ireland. In 1860 no fewer than 19-20ths of the cases of relief in Scotland occurred out of the workhouse; in England, in the same year, 6-7ths of the cases occurred out of the workhouse; whereas in Ireland only one in thirty was an outdoor case. Since that period the system in Scotland has undergone a great alteration. As many as seventy or eighty workhouses have been built in that country since 1860, in consequence, I believe, of a general conviction among the Scotch people of the evils arising from a too extended system of outdoor relief; in fact, the rapid increase in the pauperism in Scotland is clearly due to the insufficient workhouse test in that country. In 1860 there were only about 3,000 persons in the receipt of outdoor relief in Ireland; whereas it appears from a Report of the Poor Law Commissioners which I hold in my hand, that last month there were more than 10,000 persons in the receipt of outdoor relief. In fact, on the 27th February, 1864, there were 10,465 persons in the receipt of outdoor relief in the four provinces of Ireland. The hon. and learned Member for the King's County has argued as if there were no system of outdoor relief in Ireland at all, and as if every pauper were obliged to go into the workhouse as a condition of getting relief. I think the fact I have stated on the authority of the Poor Law Commissioners, will show that the conclusion at which the hon. and learned Member has arrived is very different from the fact. But let us suppose that the Resolution before us has been carried. Has the hon. and learned Member considered what the effect would be in his own county? There is no county in Ireland where there is less outdoor relief than in King's County. In three unions there—Parsonstown, Edenderry, and Tullamore,—outdoor relief is at the minimum. The hon. and learned Member shakes his head, but from the official statement it appears that in one of the unions—Parsonstown—the system of outdoor relief is entirely unknown. If, therefore, the hon. and learned Member succeeded in carrying his Motion, the ratepayers of King's County would be subjected to an enormous additional amount of taxation; for if the entire proposition could by any possibility be carried out, King's County would find itself in the predicament of having its moderate but sufficient poundage of 11¼*d.* (very nearly the average poundage of Ireland) converted into an average poundage on the county of 3*s.* 1¾*d.*, and its annual relief expenditure of £13,148 to £43,918, a result, one may suppose, not wholly satisfactory to the constituents of the hon. Member. I admit that the question before us, one involving an expenditure of £7,000,000 yearly in public charity for the relief of over a million of paupers in the richest and most favoured lands, deserves the attention of the House; but I do think that the proposal of the hon. and learned Member to introduce into Ireland the system of outdoor relief as it exists in England and Scotland would meet neither the wishes nor the requirements of the Irish people. The hon. and learned Member must admit that the sum drawn from the country, in the shape of poor rate, should be kept within certain bounds, and that in an agricultural country like Ireland, we must be careful not to elevate the condition of the persons relieved above that of the honest and independent labourer. That would be a grave social error. At the close of his remarks, the hon. and learned Member remarked that he stood forward as the champion of the destitute poor in Ireland. I stand here rather as the advocate of the honest and independent labourer, who has to gain his livelihood by the work of his hands, by the strength and health of his body, and by the sweat of his brow. The fact is, that one great principle should govern the operation of the Poor Laws—namely, that of keeping the stream of public charity within safe bounds; and, in the administration of relief, the public is warranted in imposing conditions on the individual relieved; and every halfpenny that goes to the relief of outdoor paupers, over and above what is absolutely necessary, tends to render the condition of the pauper more eligible than that of the independent labourer, and is a premium to vice and indolence; and I firmly believe that, unless the utmost caution were used, a great calamity would ensue from the introduction into Ireland of the system which the hon. and learned Member had advocated to-night. In England we have a system which has been in operation for more than 200 years; since 1845 the Scotch system has been assimilated, more or less, to that of England—that is, an organized plan of relief comparable with the English system; while in Ireland, the system which exists was first introduced in 1838, and was subsequently amended in 1847, as well as in several subsequent Acts up to the Act of 1862. The Irish system was commenced with the sanction of the late lamented Sir Cornewall Lewis; it was considered peculiarly applicable to Ireland, and both the measures of 1838 and of 1847 were brought into Parliament by the present Earl Russell. When we find that the minds of such men as Earl Russell and Sir Cornewall Lewis were specially directed to the formation of the Irish Poor Law, I think we are entitled to conclude that the system which they thought good for Ireland is not one that ought to be altered upon light grounds. A great deal has been said to-night with respect to the system of outdoor relief in Scotland, but any person who reads the evidence taken before a Committee which sat, I think, in 1861, will see, in the case of Scotland, how much of prostration and destitution among the labourers may flow from an unlimited amount of outdoor relief. When the Bill of 1847 was passing through Parliament, the Earl of Derby described the effect upon the people of encouraging pauperism, in terms which I would commend to the attention of the hon. and learned Member for the King's County. Lord Stanley, in the House of Lords in 1847, in his speech upon the Poor Relief (Ireland) Bill, said, "The more you encourage pauperism (that is, by an indiscriminate system of outdoor relief), the more you discourage the occupiers of land from giving employment to the labourer for the purpose of keeping him off the poor rate." I believe that the result of the present proposal would be a vast increase of pauperism in Ireland, and as the hon. and learned Member has referred to the Recorder of Dublin—a very distinguished man, one to whom I know the highest offices of the State were offered in 1835—I may mention that Mr. Recorder Shaw looks with the utmost apprehension upon the proposal to introduce into Ireland a system founded upon the pamphlet of Professor Ingram, which, I may add, forms the groundwork of the Motion of the hon. and learned Member. If those who had considered the question conceived that such a system, were it introduced into Ireland, would lead to inevitable abuse, the hon. and learned Member should, I think, have paused before recommending it to the adoption of the House. The testimony of Mr. Briscoe has already been referred to as to the effect of the unlimited system of outdoor relief in Scotland; but the matter is so important that I would again invite attention to it. Mr. Briscoe was officially connected with the Scottish Board as their general superintendent, and had an opportunity of seeing the operation of outdoor relief in Scotland, and the abuses that resulted from it, from the fact that, in those days, there was in that country no workhouse test. In 1861 he was asked this question by the Committee—

> "Has not the effect of this outdoor relief been very demoralizing, and has it not broken down the spirit of independence?"

His answer is this, and it is very remarkable—

> "There is not the least doubt of it. It has deteriorated to a considerable extent truth, industry, morality, self-respect, self-reliance, natural affection, and independence of character; and it appears as if the whole of the humbler classes had completely changed their character. There is no shame now in demanding relief, even among some of higher station."

MR. CAIRD: That applies only to the Highlands.

SIR ROBERT PEEL: Yes; but Mr. Briscoe remarks, that the state of things there generally is deplorable, and everybody laments it. Therefore it is that we should hesitate to adopt a system which the evidence of practical and very experienced men warned them would be productive of very mischievous results. The hon. and learned Gentleman adverted to the differences between the Poor Laws of England and Ireland. No doubt there is a great difference between them—for instance, as regards relief to women whose husbands are in foreign lands. The English local authorities have also powers for giving outdoor relief to the aged and infirm, which do not exist at all in Ireland; and although unquestionably the Irish Act of 1847 was a very great improvement upon the previous measure of 1838, yet there is not in Ireland a right in the individual to receive outdoor relief. And here let me give, for the information of the House, a comparative state of the English and Irish Poor Law as regards indoor and outdoor relief.

IRISH.

Under the provisions of the Irish Poor Relief Acts outdoor relief may be given to the following classes:—

1. Destitute poor persons permanently disabled from labour by reason of old age, infirmity, or bodily or mental defect. [10 *Vict.* c. 31, sec. 1.]
2. Destitute poor persons disabled from labour by reason of severe sickness or serious accident, and thereby deprived of the means of earning a subsistence for themselves and families. [10 *Vict.* c. 31, sec. 1.]
3. Destitute poor widows having two or more legitimate children dependent upon them. [10 *Vict.* c. 31, sec. 1.]
4. In the event of there being want of room in the workhouse or offices, or infectious diseases therein rendering it unfit for the reception of destitute poor, the commissioners may authorize the guardians to give outdoor relief in food only, and for a limited time, to any other class. [10 *Vict.* c. 31, sec. 2.]
5. In cases of sudden and urgent necessity, immediate and temporary relief may be given by the relieving officers out of the workhouse [10 *Vict.* c. 31, sec. 7] to any person whatever.
6. In cases of eviction relief may be given temporarily out of the workhouse to any class by the relieving officer. [11 & 12 *Vict.* c. 47, sec. 4.]
7. Orphans and deserted children may be relieved out of the workhouse, by being put out to nurse up to the age of five years, or, with the consent of the commissioners, of eight years.
8. Medical relief may be afforded to all classes without restriction [14 & 15 *Vict.* c. 68, sec. 9], on a ticket signed by one of the persons authorized to grant medical relief, of whom there are from fifteen to thirty in each dispensary district.
9. Section 3 of 25 & 26 *Vict.* c. 83 authorizes the admission of sick persons into the infirmary or fever hospital of the workhouse, without requiring any other member of the family to accompany them.

ENGLISH.

Under the English Poor Relief Acts outdoor relief may be given to all classes of destitute poor not able-bodied, and in regard to the able-bodied the following appears to be the law:—

4 & 5 *Wm.* IV. c. 76, sec. 52, after referring to the then existing practice of giving outdoor relief to the able-bodied, authorizes the commissioners to declare to what extent and for what period the relief given to able-bodied persons and to their families may be administered out of the workhouse.

The existing regulations of the Poor Law under their authority require that every able-bodied person, male or female, requiring relief shall be relieved wholly in the workhouse, together with such of his family as may be resident with him or her, and may not be in employment, subject to the following exceptions:—

1. Where such person shall require relief on account of sudden or urgent necessity.
2. Where such person shall require relief on account of any sickness, accident, or bodily or mental infirmity, affecting such person or any of his or her family.
3. Where such person shall require relief for defraying the expenses of the burial of any of his or her family.
4. Where such person being a widow shall be in the first six months of her widowhood.
5. Where such person being a widow shall have a legitimate child or children dependent upon her, and incapable of earning his or their livelihood, and no illegitimate child born after widowhood.
6. Where such person shall be confined in any gaol or place of safe custody. (This of course refers to the relief to the family.)
7. Where such person shall be the wife or child of any able-bodied man in the service of Her Majesty as sailor, soldier, or marine.
8. Where any able-bodied person does not reside in the union, but the wife or children do so reside, outdoor relief may be given to such wife or children.

The House will recollect that when I brought in a Bill in 1862, I proposed that persons holding a quarter of an acre of land should be entitled to relief from the guardians of the poor; but in the other House an Amendment was introduced, I believe at the instance of Lord Donoughmore, which enacted that, under any circumstances, the occupier of more than a quarter of an acre could not receive outdoor relief. There has been a good deal of difference of opinion as to the precise power under the English Poor Law of affording outdoor relief. Some such difference has been expressed even to-night; and I know of no better authorities on that point than Mr. Farnall and my right hon. Friend the President of the English Poor Law Board. When a deputation waited upon my right hon. Friend from the North of England respecting the distress in Lancashire, and asked him what powers there were of giving relief under the English Poor Law, he informed them that the guardians were allowed absolute discretion in relieving all classes of persons except able-bodied men. In the case of these the order required that one-half of the relief should be given in food relief, weekly or oftener, and not while the applicant was employed for wages, and that he should be set to work as long as he received relief. Even this restriction, he said, the guardians were permitted to depart from if they found it expedient. Mr. Farnall says that the relief to be given in England, whether indoor or outdoor, is not limited; that the guardians may give any amount of either, the only check being that if they grant outdoor relief to able-bodied men, it shall be partly in money and partly in kind, but that the amount is not limited at all. That, Mr. Farnall adds, is the direction of an order of the Poor Law Board. In Ireland we have comparatively no system at all like that. In England, in fact, there is an absolute right to relief; but in Ireland it was understood, when the original Poor Law of 1838 was introduced, that the Act did not give a right to relief to all classes of persons, because it was thought by high authorities, like Sir Cornewall Lewis and Earl Russell, that, looking to the different circumstances of the two countries, it would be inexpedient, if not impossible, to introduce a precisely similar system of relief in Ireland as existed in England. The Irish Poor Law Extension Act of 1847 was more liberal; but, nevertheless, it did not give a complete right of relief; and even in the case of the aged, the infirm, the disabled, and widows, it is made to depend upon the guardians whether they are "to be deemed destitute." There is, therefore, an evident difference between the systems in force in the two countries. No doubt when Irishmen come to England they experience a vast difference in this matter. And why? Because the English Poor Law system is under an order of 1844 and another order of 1852. The order of 1844 was issued to a certain number of unions, not to all unions; whilst the order of 1852 was issued to those unions to which the order of 1844 was not issued. The order of 1852 does not state that relief shall be given only in the workhouse to able-bodied poor, and in this respect is more liberal than the order of 1844; and as the order of 1852 includes those parts of England, and applies particularly to those places where the Irish chiefly frequent, there they can receive outdoor relief with extreme facility. When they return to their own country and contrast what they find there with what they have seen here, under the circumstances I have mentioned, they naturally say it is very hard that in the sister island they should be subject to restrictions which do not operate in England. But consider for a moment what would be the expense to the ratepayers if the hon. Gentleman's proposal were adopted and the English system introduced into Ireland. It would enormously add to their burdens. The hon. and learned Gentleman said, I think, that he would afford a greater amount of relief with a less weight of taxation. I am afraid that that could not be the case, because at the present moment the expenditure for poor relief in England and Wales amounts to 6*s.* 0¾*d.* per head on the population, whereas in Ireland it is now only 2*s.* 3*d.* per head. If, however, the expenditure in Ireland were at the same average rate as it is in England and Wales, instead of paying £652,000 a year, as Ireland now does for the relief of her poor, she would have to pay £1,757,690; that is to say, the poundage in Ireland, which is at present only 1*s.* 0½*d.*, would amount to 2*s.* 9*d.* And I have already shown, what would be the effect of the charge on the county which my hon. and learned Friend represents—King's County—where the expenditure for poor relief is now 11¼*d.* in the pound, whereas, by the plan he advocates, it would be brought up to 3*s.* 1¾*d.* The hon. and learned Member thinks the Irish Poor Law is not adequate for the requirements of the people; but in 1849, when the country underwent a great crisis, that Poor Law was thought equal to the emergency, for the present system, with the exception of the improvements introduced in 1862, was then in force. In 1849 we actually relieved 2,143,766 persons in Ireland, and there was an expenditure in that country amounting to £2,177,000. Therefore, supposing Ireland were to require it, we have now in our possession a law which would place ample and powerful means at our command for giving relief, both outdoor and indoor, in case of emergency, and that without their being supplemented by the provisions in force in England.

The hon. and learned Member referred to the emigration now going on from Ireland. No doubt that emigration has attained very vast proportions; but I think it cannot in any way be attributed to the operation of the Irish Poor Law. In fact, I have never heard that any practical observer who has watched that emigration for the last ten, twelve, or fourteen years, has traced it to the working of our Poor Law system. It may be interesting to the House to know the exact position of the emigration now taking place from Ireland. Some mis-statements respecting it were made the other night, accidentally, no doubt, by my right hon. Friend the Member for the University. I have in my hand accurate statistics on the subject. The emigration last year undoubtedly assumed extreme proportions. The total emigration from Ireland in 1863 amounted to 119,788 persons, but of that number, it is a very curious fact, 62,988 were males, and 56,800 were females, so that the numbers were almost equally divided. The right hon. Gentleman the Member for the University of Dublin spoke of 100,000 fighting men having left the shores of Ireland for America during the last twelve months, but the real truth was that although the total number was 119,788, yet of these there were only 62,988 males, while there were 56,800 females. Besides, a large proportion also were under ten years of age. Of the number who emigrated during last year there were actually 14,842 children under the age of ten years. This emigration, which I believe to be the result of natural causes, has also been going on at an increasing rate during the two months of the present year. We have an increase in the emigration in January and February over the corresponding months of 1863. In January, 1863, there emigrated from Ireland 4,690; and in January, 1864, 5,365. In February, also, there has been an increase of 1,200 over the emigration of February, 1863; the numbers being in February, 1863, 6,262, whereas in February, 1864, the numbers were 7,624. No doubt, therefore, the emigration still continues on a very vast scale; and I quite agree with a right hon. Gentleman who stated that it is not to be attributable to any fault of our laws, certainly not to any defect in our Poor Law. I believe it is the result of natural laws, and that it will continue; for, although one must feel regret at seeing so many thousands leaving their homes, it is better that they should emigrate, than remain in Ireland without the opportunity of reaping an adequate reward of their labour, which they will receive in America, in England, and in Scotland. No doubt the scale of wages in England and Scotland is quite sufficient to induce Irishmen to come over to England or Scotland, considering the facilities they have in the low rate of passage money — the fare on deck from Ireland to Liverpool or Glasgow being only 4*s.* and 5*s.* But what inducement has not the Irishman to go to New York? He receives letters from his friends there, painting in glorious colours the enormous wages they receive. I hold in my hand a statement of labourers' wages in New Orleans at the end of February last. It appears that first-class mechanics are paid 3¼ dollars a day, locomotive engineers the same, labourers without rations 1½ dollar a day, waggon-masters 50 dollars a month, blacksmiths 45 dollars a month, ordinary hands on river boats, 35 dollars. When these wages are offered, it is natural that the Irishman should emigrate in order to obtain that remuneration for his labour which he cannot find in Ireland. Then think of the convincing proofs we have of the prosperity of the Irishman when he goes abroad! It is an ascertained fact that in 1853 Irishmen who had emigrated, remitted £1,500,000 to their families in Ireland. Well, then, you should not blame the emigration which is going on. The Government has nothing to do with it. Politics and religion have nothing to do with it. These people are quite right, they are going where they will earn an adequate remuneration for their labour—a reward which circumstances forbid their obtaining at home. A very able pamphlet was published the other day by Mr. M. Joseph Barry, barrister-at-law, of Cork, on the subject of Irish emigration, in which he treats of this subject. He says—

> "Population merely is not necessarily an element of strength. An unemployed population—and that is the case of Ireland—without the means of employing it, plainly cannot be an element of wealth; and, as such population must necessarily be discontented, it is equally clear that it is an element

> of weakness rather than strength. The real question is, can remunerative employment be had for the existing population of Ireland at home? If not, it is better that those who cannot get it at home, should go whithersoever it can be had."

I quite agree with these sentiments. I do not at all believe that we have seen the end of this emigration in Ireland. I am quite satisfied that before Ireland recovers her proper status, another half million of souls must leave that country. Though it is not for me to express an opinion of regret at their leaving, I still believe that if they can better themselves elsewhere. and receive remunerative employment, their departure will also improve the condition of those they leave behind, because it will have the effect of raising the wages which the latter will receive, whereas at present the market is glutted, so that it is impossible for a family to live on the 10*d.* or 1*s.* a day they now receive.

There is another consideration which should not be overlooked in connection with the emigration from Ireland. That is the very natural result of getting rid of the system of small holdings which has done so much mischief in that country. If you take the census for the last twelve years you will observe a very remarkable revolution going on in that particular. I hold in my hand the Census Returns of 1841, 1851, and 1861, as regards small holdings during the three decennial periods, showing what has been the consolidation of small farms.

The Census of 1841 showed 310,436 small holdings of 1 to 5 acres.
" 1851 " 88,083 "
" 1861 " 85,469 "
The Census of 1841 showed 252,799 holdings of 5 to 15 acres.
" 1851 " 191,854 "
" 1861 " 183,931 "

There appears, therefore, a decrease in the number of small holdings, of 1 to 5 acres, from 1841 to 1851	222,353
Ditto from 1851 to 1861 a decrease of	3,620
Ditto from 1841 to 1851 a decrease in the number of holdings of 5 to 15 acres	60,965
Ditto from 1851 to 1861 a decrease of	8,823
There appears also an increase of the number of holdings of 15 to 30 acres, from 1841 to 1851 ...	61,969
Ditto from 1851 to 1861 a decrease of	93
Ditto from 1841 to 1851 an increase of holdings of above 30 acres ...	100,415
Ditto from 1851 to 1861 a decrease of	8,867

The holdings, therefore, up to five acres, and from five to fifteen and thirty, have increasingly diminished, whereas the holdings of thirty and upwards have considerably increased. It is quite evident that a change of this kind must tend to increase the prosperity of the country. I was reading the other day the account which Arthur Young gives of the small holding system in Ireland. He says—

> "Go to districts where the properties are minutely divided, and you will find—at least, I have done it—universally great distress, and even misery, and probably very bad agriculture."

I think that is the case; and if this system is passing away, and these small holders become agricultural labourers, their position will be infinitely improved, while the labour market will be better supplied than it has ever been before. But, when we talk of the immense emigration going on from Ireland, the House should not forget that there has been a very remarkable movement all through Western Europe of late years as regards emigration. A very interesting work has recently been written on this subject by M. Duval. It is entitled *Histoire de l'Emigration*, from which it appears that almost all the countries of Western Europe have increasingly participated in the movement. For instance, he says, the number of emigrants from Germany in the period between the years 1819 and 1826 did not exceed 2,000 to 4,000 a year, whereas in 1851 the number had risen to 112,547 emigrants, in 1853 to 162,568, and in 1854 to 251,931. These numbers had not been fully maintained since, but in 1855 there were 81,698 emigrants, in 1856 98,573, and now the average is 50,000 to 60,000 a year; also in England and Scotland this movement of emigration is progressing, as well as in Ireland. From 1851 to 1861, in the ten years, there emigrated from the United Kingdom 640,316 English, and 102,954 Scotch, or an annual average of more than 74,000 for Great Britain during that period. I think this emigration, which, after all, is no phenomenon peculiar to Ireland, will go on till the supply of labour required elsewhere is more adequate to the demand; and I maintain that, great as the emigration has been, and great as is the change which has taken place in the feelings of the people of Ireland, those who are strangers to the country should not too hastily judge from what they read of Ireland in the newspapers. We have, no doubt, had demonstrations in Dublin. We have heard of scenes enacted in the Municipal Council of Dublin, and of meetings in the Rotunda, called Demonstrations of Brotherhood, but no one ought to attribute to them a representation of the general feeling of Ireland. I do not agree that those meetings are evidence of general discon-content. I admit that we have had these demonstrations, but recollect how different is our position in Ireland to what it would be here. We have not the authority, as I wish we had, to grasp with all the evils that exist. There is there what is not to be found in this country, a rebel press, whose object it is to vilify progress and to retard the improvement of the country. I have seen articles in the rebel press lauding cases of assassination, and others endeavouring to excite discontent between landlord and tenant, and hatred among various classes. When you find such poison disseminated through the country, is it to be wondered at that uneducated men should be anxious to emancipate themselves from the atmosphere which gathers round such a press, and that they should prefer to live in a free country, such as America was before this unhappy dispute broke out, rather than remain under the influence of agitators who certainly work a vast amount of mischief, and whom I am sorry to say, with our laws, we cannot reach? The hon. and learned Gentleman has alluded to the Fenians, a brotherhood which is supposed to exist in Ireland to a very considerable extent. Now I dare say there are few persons here who know what the word "Fenians" means. Perhaps I may be allowed to explain it. In Ireland we abound in potatoes and romance, one being food for the body and the other for the mind. Well, now, I do not suppose there are more than five or six Gentlemen in this House who know what the Fenians were. I can tell the House that, according to the legend, the Fenians are a very ancient body. Appended to one of *Moore's Melodies*, beginning "The wine-cup is circling," there is a note which states that the Fenians or Finii were the ancient national militia of Ireland. Naturally, when I saw that, I began to inquire what this national militia meant. I found that very long ago, beyond the third century, there lived a king called Cormac, who had ten daughters. One of those daughters married Fiomo, the son of Fin Mac Couhal. He, although a man of independent means, took an immense liking to his father-in-law, and determined to establish a national militia, of which he himself would have the command. He accordingly did establish the Fiana Eirioun, which means the national militia of Ireland. The Fenians of that day were very much like their namesakes of to-day; they were always bawling out against other people. The ancient Fiana, however, were men of might and valour; they gained all their battles, but the time came at last when they squabbled among themselves, and then they divided into two septs. One of those septs attacked a town, and at last a sovereign of that time, whose name I forget, said he could not tolerate the dissensions of the Fiana, and, with a national army, he annihilated every man. One man was left, who lived until the time of St. Patrick, and told to all the world the glory of the ancient Fiana. I believe the name which is given to a certain brotherhood takes its origin from this legend. But, perhaps, it will be interesting to the House that I should relate what were the habits of the ancient Fenians, and I can only hope that their representatives in the present day may be required to do the same. Their duties were to defend the country, but during the winter they were billeted upon the inhabitants. They must have been rather noisy customers, if they were like their representatives of the present day. During the summer they had to hunt and fish for themselves, and what they caught they boiled in big pots. But when they had got any food, before eating it they stripped themselves to their shirts—they only wore *ceintures*, which they hung to a tree while they bathed themselves, and then being quite clean proceeded to dispose of the fish they had caught and cooked. They all slept in trees like the gorillas of the present day. Their laws required that when a Fenian was disposed to marry—before enrolment—he was obliged to promise that he would not follow the mercenary custom of insisting upon a portion with his wife, but would choose her for her virtue, chastity, and good manners. The Fenians of that day were bound not to insult women, not to turn the back, nor refuse to fight with nine men of any other nation. But here is a remarkable feature. The Fenian of that day was obliged, before he enlisted, to show extreme skill in running. Those heroes wore their hair longer than my hon. Friend near me does, and therefore they plaited their hair round their head. An intending Fenian was compelled to run through a wood, and all the corps ran after him. At the end of a certain distance he was to mount a tree, but if he was overtaken by any of the corps he was not enlisted. That is an authentic account of the ancient Fenians, of whom in the present day we have a brotherhood—at least called by the same name. I hope they will confine themselves to such amusements as I have described, and will not enter into disputes which, as with their predecessors, will lead to their destruction.

Passing, however, from this subject I will make a few remarks upon the state of Ireland, apart from this brotherhood and the rebel press. It is a remarkable fact, that in the report of offences committed in 1863 there is a striking decrease as compared with 1862, amounting to no less than 1,200. The return of outrages reported during the month of January, 1864, shows a fewer number by 92 than in the corresponding month of 1863; and I am happy to say that in the past month we have had a state of things unexampled in the annals of Irish crime; there has not within the month of February been a single homicide committed throughout the whole of Ireland. Now, although some persons may find fault with the relations between the magistrates and the police, yet when we find an improvement of this kind I think the House will agree that it is very satisfactory. Then, as to the trade of Ireland, concerning which the hon. and learned Gentleman complains and says we are retrograding, and generally takes a gloomy view of things. I witnessed very lately the opening of a new cattle market in Dublin, and a more remarkable effort on the part of the merchants, salesmen, and graziers of Ireland can hardly be conceived. When we hear of a country going to ruin, of a total absence of energy and public spirit, it was well to know that Dublin was able to make a new market, at a cost of £20,000, which sum was raised for the purpose within three months. The market covers eleven acres of ground, and the second day after the opening there were at least 4,000 head of cattle shown, while in the old Dublin market of Smithfield not more than 2,000 head were ever seen. Mr. Alderman Reynolds described it as a complete victory, which would do very much to advance the great grazing and agricultural interests of the country. There is one other point also to which for a moment I wish to refer, and that is the cultivation of flax, which, I think, is likely to give considerable employment to agricultural labourers and others who cannot now find work. [An hon. MEMBER: Flax is too exhaustive a crop.] It may be exhaustive, but in the province of Ulster the cultivation has gone on for two generations, and it is known there that by proper care, and by a proper rotation of crops, and by due attention to the varieties of soil, that soil does not deteriorate; and I believe that if these points are borne in mind, flax may be cultivated with as much success in other parts of Ireland as it now is in the province of Ulster.

As to the Motion before the House, I oppose it, because I believe, in the interests of the ratepayers and of the honest agricultural labourers of Ireland, its adoption would do considerable mischief, and would immensely increase the rates. The hon. and learned Gentleman, however, will give me credit for an anxious and earnest solicitude for the welfare of the class in whose favour he has spoken to-night. I, like him, am truly anxious to see that class well taken care of by the authority and the bounty of the State; but I feel that we must resist a Motion of this kind, because it would not work satisfactorily in Ireland. In England, the Poor Law is administered by those who have experience of its working, and the operation of the Irish Poor Law under the Acts of 1838 and 1847 has answered the most sanguine expectations which were formed of it by the late Sir Cornewall Lewis and by Earl Russell. During the time I have held office I have had an opportunity of seeing a good deal of Ireland. I have held my present office for a longer period than it has of late years fallen to the lot of my predecessors to occupy it. During that time I have learnt to admire not only the character, but the intelligence and industry of the Irish people. In addition to this, I have learnt to observe differences, which are not sufficiently appreciated by strangers, resulting from and effected by locality, by race, and by religion—differences which carry the mind back to times of oppression, of animosity to the British Government, of uncertainty and insecurity. We have now a larger degree of social intercourse between the two countries, and a more liberal policy in Ireland; and this being so, I think good must be the result to the people. Everybody who has studied Ireland must be struck with the growing disposition to discuss subjects connected with the country, irrespective of party feeling, and to dispel the atmosphere of prejudice which has so long hung over them. I want to see that spirit diffuse itself still further among all parties, and I am certain that if this is done, the difficulties and uncertainties of the past will gradually yield to influences which at the present moment are visibly tending to develop the national resources and the enterprize of Ireland, and which, if, as I trust they will be, they are accompanied by spirit and determination, will unquestionably result in the substantial improvement and permanent benefit of the country.

MR. BRIGHT: Sir, with the exception of one portion of the speech of the right hon. Gentleman—which I think was very much below the dignity of this House, and which, I think, will not add to the good feeling which ought to exist in the minds of the people of Ireland towards this House—the speech which we have just heard has been one very well worth listening to, and has been marked by great moderation. It struck me as the right hon. Gentleman was speaking, that his argument, if it be held just by those to whom it is addressed, would lead to a great alteration in the Poor Law in England and Scotland, because I think there is not a single argument he has used that would not be equally applicable in favour of abolishing outdoor relief in England. What I understand the hon. and learned Gentleman opposite to propose is mainly this—that the same mode of relief ought to exist by law and practice in Ireland, that now exists by law and practice in England. The facts have been stated two or three times in the course of this debate, and I shall not go into them at any length; but on reading one of the numerous pamphlets, which I am glad to see are published in Ireland on social questions, I was very much struck with figures which put the matter in a very strong light. Let us bear in mind that in England relief is given to all classes who are in poverty, to the able-bodied even in the workhouse and out of the workhouse, and that in Scotland relief is given in the workhouse and out of the workhouse, but not in any case by law to the able-bodied. There is a difference, therefore, between England and Scotland; but in Ireland relief is only given (because I do not reckon that the 10,000 persons, to whom the right hon. Gentleman referred, and who really do not interfere with the argument of the hon. and learned Gentleman) to those who accept it in the workhouse. The 10,000 form so small a proportion of those who receive relief and so very small a proportion of the population that we know to be in the extreme of poverty, that it really does not interfere with the argument. In England in the year 1863—I take these facts from a pamphlet which I read two or three nights ago—there were 1,142,000 persons, or more than 5 per cent of the population of England and Wales, who received relief; but in Ireland there were only 66,000 who received relief, not more than about 1 per cent of the population. In England, of those who were relieved, 13 per cent were in the workhouse, and 87 per cent were out of it. In Ireland 91 per cent were in the workhouse, and 9 per cent out of it. We must therefore admit—making whatever we can of the exception which the right hon. Chief Secretary has mentioned—that still the fact remains, that of the relief given in England 87 per cent is given out of the workhouse, and in Ireland only 9 per cent. It may be that the Poor Law is a law that promotes pauperism. I presume that, to a certain extent, that must be the case with every Poor Law in every country; but is that enough, as an economic argument, to overthrow the case of the hon. and learned Gentleman? We have a Poor Paw of a liberal character in this country, one of a somewhat less liberal character in Scotland, and one infinitely less liberal in Ireland. Now, I should like to ask upon what grounds anybody will say that an Irishman in his own country has no claim for relief from the land, buildings, and properties of his country unless he will go inside the workhouse; and that if he crosses the Channel and comes to the county in which I live, and in which, as everybody knows, we have a large Irish population, that same man, whether he be able-bodied or not, if he be in distress, and if he have lived among us for the period of three years, has a right to relief from the rates levied upon the lands and houses and factories of that county. Now, let some one tell me why this difference should exist. The right hon. Gentleman says, because a late Member of this House whom we hoped to have seen much longer on that bench, and because Earl Russell some years ago, in the year 1847, approved of the Irish Poor Law as it now exists, therefore that we are to take it for granted that it was and is absolutely perfect. In 1847 the pauperism of Ireland was enormous; it became necessary to pass a Bill in a practical shape for the first time; it was necessary to pass it through a House composed mainly of the owners of land; the representatives from Ireland were for the most part owners of land in that country, and it was a difficult thing to pass an Irish Poor Law; and if it had not been for the great emergency that had arisen, I do not know that any Minister or any Government could have passed such a law through this House. At that time the pauperism was so great that an Irish landlord might really fear that his estate might be swept away. I recollect that as late as the year 1849 I was on an estate in Ireland in the county of Limerick looking into the books of the estate, and the manager of it told us that out of the whole rent of £14,000 that had been received in that year, £11,000 had gone in the payment of poor rates. That was a serious state of things, and Irish landowners might well be afraid of giving a legal right of relief to a mass of pauperism which threatened to be overwhelming. But the state of things is now very different. Notwithstanding the distress which at present exists in Ireland, the population is very much less than it was then, and whatever be the system of Poor Law relief, it would be much more easily administered, and the burden, whatever it may be, upon land will be much less now than it would have been at that time. We are coming—taking the speech, the facts, and the hopes of the right hon. Gentleman—to a future of Ireland, when it is to be presumed labour will be more scarce, and wages will be higher, and the burden of the pauper population upon property will diminish year by year. If that be so, is the time not coming—has the time not now arrived—when, without unduly burdening the land of Ireland, of which the great amount of its property consists, and without giving too much stimulus to pauperism, Parliament might consent to equalize the law, and make it exactly the same in Ireland as it is in England. I can find but two arguments against that course, and they are arguments that are not very creditable to Irishmen. One is, that the people of Ireland—that is, those who are above the poorer classes—have very little disinclination to accept relief. The other reason is—and I think the right hon. Baronet admitted this in his speech when he spoke of the good administration of the Poor Law in England—that there is a fear the class above the poorest could not be trusted with the administration of poor relief in Ireland as safely as the corresponding class in this country. Well, that is to your taste. It may be so; but I do not think Englishmen need be influenced by that argument. I take it that if Ireland were 1,000 miles further out in the Atlantic the probability is that she would be left to settle this matter herself, and that between the pauperism on the one side, and the proprietors of land on the other, there would be found a mode of making the law satisfactory to the poor, and having it fairly administered by the rich. I do not believe that there is any case for maintaining a difference between the law of Ireland and England. Now, the right hon. Gentleman said many things that I entirely agree with on the subject of emigration, and indeed it is quite evident, from some of his observations, that he has been a diligent reader of some of my speeches. I quite agree with him that it is in the natural course of things—whether the pauperism of Ireland has arisen from bad laws or from bad administration—there being that pauperism—that the population in very large numbers should leave their own country and should go to a country where labour is in greater demand, and where wages are so much higher. But it does not follow that you should maintain any system of law with regard to land, with regard to religion, with regard to this question of the Poor Law that should allow any man in Ireland justly to tell his countrymen that he had no justice from the Imperial Parliament—that the only country where he would be respected as a man is a country 3,000 miles off, and to which, when he goes there, we generally find him carrying that bitter hostility against this country which has been created and has grown in the land of his birth, and which induces Irishmen to form a considerable portion of whatever party in the country of their adoption may be hostile to England. Now, the Irish landowners, in my opinion, have not been a very far-seeing class with regard to their own present or future interests. I believe that the time is coming when they will find very considerable difficulties on the score of labour, and possibly, too, they may find through the difficulty of obtaining labour, and the consequent great increase of wages, that the rate of rent may fall. But there is more than that to be considered, for there is a question of infinitely greater importance than the question of 5*s.* an acre, and that is, that those who are so happily placed with great properties, and in eminent positions, should live amongst a population by whom they are still considered as aliens, and to whom they have never yet been able to bind themselves by any of those ties which, to a greater or less extent, fortunately exist in this country. Lord Carlisle the other day in his speech —I forget now on what occasion—said he approved of emigration, and he hoped it would go on until the Irish labourer attained—I do not quote his exact words—to that luxurious state of income which is indicated by 10*s.* a week. Well, Lord Carlisle is one of the most just and benevolent men living. There is no human being to whom he would do a harsh action, or say an unkind word. Yet such is the condition of that country, such its deplorable and unparalleled condition among the Christian nations of Europe, that this benevolent and just Governor of Ireland hopes that emigration will go on until the wages of its labourers come to the rate of 10*s.* a week. But when they come to 10*s.* a week they will not stop there, for there will be in the United States an Irish nation even greater than the Irish nation itself, and the temptation and the power of—what shall I call it?—of attraction to the other side of the Atlantic will even be greater than it is now. If I were an Irish landowner, I would remember what the late Lord Chancellor of Ireland said—namely, that there had been 200 Acts of Parliament passed on behalf of the landlord, and never one, to his knowledge, on behalf of the tenant; and if there be, with regard to land, industry, Poor Laws, or any other question, a just principle adopted in England, I would endeavour to adopt it in Ireland. And if there be any just principle rejected in England, which I could still discover to be just, I would ask the Imperial Parliament to adopt it in Ireland. I think there is no humiliation attaches to any Government in Europe—to Austria, speaking of Italy, or certainly to Poland speaking of Russia—I believe there is no humiliation attaches to any Government of Europe at this hour so great as that which attaches to the successive Governments of this country, from the fact that we have ruled Ireland, without dispute, by a united Parliament for more than two generations, and yet we find it now, by consent of every man, whether Catholic or Protestant, pauperised to a great extent, and, I believe, disloyal and disaffected to this House and to the English Government probably more than it has been at any preceding period in its history. ["Oh!"] Well, I only know that I have heard a gentleman — a Protestant gentleman, a great landowner in the south of Ireland, and at one time holding a position in this House—say, in the presence of a dozen persons, when answering a question put by one of our leading statesmen, as to what would be the result if there landed a French force in Bantry Bay, that he believed such a landing would be received with universal acclamation throughout the whole south of Ireland. I am not responsible for this. I have always spoken in favour of the most equal justice to that people. To the landowners of Ireland that inequality, of which the Irish complain, is a sore calamity, and if it did not exist their properties would be of more value, their homes in the country more happy, their families more safe, and they would have also the consciousness that they were fulfilling the duties which devolve upon the high station which they occupy amongst that poor people. Well, the hon. and learned Gentleman proposes, with regard only to one enactment, that you should make that law between Ireland and England equal. The very fact of your doing that, even if it had no practical result, would still be a balm to the feelings of the people of Ireland, and I believe if the noble Lord at the head of the Government could make up his mind to concede this—I call it small—concession, he would be amply compensated in the goodwill and gratitude of the people of Ireland.

Sir JOHN WALSH said, that this debate on an Irish question had been carried on with the most perfect moderation and good temper by every hon. Member from Ireland who had taken part in it. The first who had departed from that tone —the first who had uttered a speech calculated to excite the bitterest feelings—the first who had endeavoured to sow disunion when, as it appeared, every Irish Member was desirous of drawing the two countries more closely together, was, he regretted to say, an English Member. The debate had been opened with ability and moderation by the hon. and learned Member for King's County; but the hon. Member for Birmingham had thought fit to close it with a speech the most inflammatory, the most characterized by democratic sentiment of any he had ever heard come from the lips of any Member in that House, and his experience there was not a short one. He had heard many speeches —many eloquent speeches—from an hon. Member, of whom those who had listened to him must retain a vivid recollection—he meant the late Mr. O'Connell—but never had he heard any speech more likely to sunder the feelings of amity that should exist between the two countries than the speech which had just fallen from the lips of the hon. Member for Birmingham. The hon. Gentleman begged the whole question from beginning to end. He started with the assumption that the English Poor Law was of the most perfect character and founded on the principles of the purest wisdom, and that it was an injustice to withhold it from the Irish people. If he could for one moment indulge in fairness and candour ["Oh, oh!"]—were those words out of order or inapplicable to the speech they had just heard?—he ought to recollect that we started from two different points. Twenty-five years ago there was no Poor Law either in Ireland or Scotland. A Poor Law existed in this country, but it was pregnant with such disastrous results that it was absolutely necessary to enter upon the arduous task of reforming it. The present Poor Law did not start *ab initio* as something perfect, but it was a remedy for growing evils, which had threatened the confiscation of property in many parishes, and which was sapping the foundations of society. Statesman after statesman had endeavoured to grapple with it, and political economist after political economist had denounced it as founded on the falsest principles. After numberless attempts, the English Poor Law was devised as a means of dealing with a gigantic evil, and then a modified Poor Law was introduced into Scotland and Ireland, which, to a certain degree, had fulfilled the intentions of its proposers. The hon. Gentleman had dwelt on the distress of 1847, but had never mentioned the potato famine, which, not the Poor Law, was the cause of that distress. No doubt great suffering was sustained then, for the whole food of a people could not be destroyed without suffering, but it was dealt with by the munificence and charity of this country, and after that stage had passed, the Poor Law, to a certain degree, had relieved the distress of the country. He did not say that it was incapable of improvement, but at that late hour he should not enter into the subject. He had only risen to express his deep regret that the hon. Member, who with certain classes of the population enjoyed great influence, and whose words would find an echo throughout Ireland, should have abused his great powers of eloquence, which were unquestionably great, to widen the breach between the two countries, and should have endeavoured to aim a blow at the good feeling which ought to exist between England and Ireland.

Mr. MAGUIRE did not think that the hon. Member for Birmingham needed any defence from him, but he totally dissented from the hon. Baronet's estimation of the speech and of the intentions of the speaker. There were times when it behoved those who were able to give impartial opinions to speak the truth, and their accents would sound no doubt harsh to those who wished to have the truth veiled. He knew as much of the feelings of Ireland as most men, and he was sorry to say that there existed in that country a feeling of deep dissatisfaction and even of intense exasperation. He had no wish to exaggerate; on the contrary, he desired to put the greatest restraint both on his feelings and language; but there was the strongest possible feeling of discontent in that country. The Government might wish to hide the truth from the House, but they could not disguise the existence of the general sentiment, that things were getting worse and worse there every day, and that the sooner the mass of the people, or a large portion of them, left the country, the better it would be for them. That was not a state of things which reflected great credit on this country, or on the Government of the day. It ought to induce them to consider whether there was anything radically wrong in Ireland, and whether some remedy could not be provided. The Government were most anxious to show that emigration was no injury to Ireland, and, at the same time, to represent that there was really little or no emigration. The right hon. Baronet had talked of emigration from Germany, from Western Europe, and from Great Britain, but he never reminded the House that while thousands were emigrating from countries which contained many millions, 120,000 a year were emigrating from a country which had suffered a greater diminution of its population within the last ten years than any other country in the world. What was the 60,000 from the 20,000,000 of England compared with the 120,000 from the 5½ millions of Ireland? There was no check to this stream of emigration—on the contrary, it flowed on with a deeper, stronger, and more impetuous current. It was carrying with it, not the idle and dissolute, but the strong, energetic, and adventurous, and it left behind it many who with a feeling of despair regretted that they could not follow their brethren across the ocean. There must be something wrong in such a state of things; and if there was something wrong, it was but common sense—to say nothing of the honour of England—to inquire into it in order to discover its real nature, and energetically to endeavour to apply a remedy. His hon. Friend who had made this Motion did not impute the misery of Ireland to the Poor Law. His somewhat vague resolution, however, might be open to comment and misrepresentation, and he would advise him to withdraw it, and to introduce a Bill to amend the existing law, which, in some of its provisions, pressed hardly on the misery and poverty of the country. He for one should be sorry to see the English Law of Settlement and Removal introduced into Ireland. He knew that there were many parishes in this country where it was working great cruelty, and where it has destroyed property and industry. English Members would ere long regard the Law of Settlement and Removal as a foolish and wicked law, which fettered the freedom of the working man, and prevented him from carrying his skill or his labour to the market in which there was most demand for it. Although the Irish Poor Law was open to great improvement, it would derive no advantage from the introduction of a system which had worked such evil and such misery to the working classes of England. The existence or nature of the Irish Poor Law was not of itself the cause of Irish distress, or of the feeling of dissatisfaction which prevailed in that country; it may have aggravated distress, but it did not cause it. He concurred with his hon. Friend the Member for Birmingham and the Member for Waterford in pointing out one of the principal, if not the chief, causes of the misery of Ireland, and one of the greatest incentives to emigration—the state of the Irish Land Question. The great cause of evil was the absence in Leinster, Munster, and Connaught of the tenant right of Ulster, or of some system embodying the same principle. He wished to see introduced into the three other provinces of Ireland the same system which existed in the north of Ireland. The tenant right system of Ulster was the salvation of the farmers of that province, and it was as beneficial for the landlord as for the tenant. No such law existed in Munster; the whole population was at the mercy of the landlord. If the landlord was a good, a wise, and a humane landlord, all went right, and there was no necessity for a law to bind him; but if he was bad, foolish, capricious, or tyrannical, then the tenant was helpless in his hands. In saying this he did not wish to hurt the susceptibilities of any man or of any class; nor particularly did he desire to hurt the susceptibilities of the hon. Baronet below him (Sir John Walsh), who was a prosperous Irish landlord, of the class known as absentees. But such, literally, was the condition of the great mass of the tenants of three provinces of Ireland, and the relation in which they stood to the owners of the soil. If the tenant had security for his outlay, whatever capital he possessed, either in strength or savings, would be expended on the land; he would be able to give employment at a high rate of wages, and it would be then immaterial what the nature of the Poor Law might be, or whether relief were indoor or outdoor, as it would no longer be needed. The land of Ireland was badly cultivated now, because the tenant had no security that he would reap the reward of his labour. As a rule, he had no lease, and could be turned out at any time, his landlord pocketing his savings, which were represented by the improvements in the farm. The state of things was different in England from what it was in Ireland. In Ireland the tenant created everything, and the landlord comparatively nothing. In England the landlord made improvements, supplied out-buildings, fences, and drains, and the tenant was only expected to keep them in order, and work his farm properly. The consequence was that in Ireland the farmers were discontented, they could not employ labour, the rate of wages was low, and whenever pressure came there was great misery and distress. This was the patent cause of the distress in Ireland, and the sooner the Government dealt with it the better. He denied that it was good for the country that the people should leave it. In country towns the misery of the small shopkeepers from losing their customers was astonishing. Every day they were getting worse and worse, shops were closing, houses were becoming tenantless, and a feeling of despair was rising in every man's breast. It was a state of things which the right hon. Baronet, the Chief Secretary, who knew so much of the country, so much of its history, so much of its traditions, and so much even of its poetry, ought to investigate, that he might learn the stern reality which stared in the face every man who loved the country, and who wished to see a radical change in the circumstances of its people. As to the existing poor law, it was capable of amendment, and it had been much improved from time to time. Some years ago it might have been considered a perfect institution, and yet it had been materially altered since then. He could give the House an instance in point. Not very long since, a landlord might turn any member of his tenantry out on the road side, or into the next ditch, and take no further notice of them—and many hundreds and thousands of unhappy people had been so dealt with, their dwellings first unroofed by an infernal machine, and the walls levelled by the "crow-bar brigade." But the Poor Law was altered —and now the landlord who is about to evict his tenantry must serve notice on the relieving officer, so that the shelter of the workhouse should be afforded to the victims of the bad land code of Ireland. To the strong farmer as to the landowner outdoor relief assumed a frightful aspect; their ready memory jumped back to the famine years, when the hunger of a famishing people eat up so much of the property of the country. But no such state of things could again occur, with a population so diminished. A wise system of outdoor relief was one thing—a reckless system of outdoor relief was another. From his own knowledge he could assure the House that in the Cork union outdoor relief was attended with the most beneficial result, and he would like to see an extension of the power given to the guardians. A family of five or six could be supported out of the house for as many shillings per week; while in the house the cost would be 10*s.* or 12*s.* in addition to the almost irredeemable degradation consequent upon eating poorhouse fare, wearing the poorhouse garb, and being governed by poorhouse laws. A wise and judicious, not a reckless, system of outdoor relief had a tendency, he believed, to elevate the mind of the destitute man instead of degrading it; and, as in past times, they had found the law capable of amendment, so might it now be further amended in this respect. It was idle to point to the small number in the workhouses of Ireland as a proof that there was no distress, or to assert that the existing system of relief was adequate to its relief; for he knew there were numbers of people who would rather die in a garret or a ditch than enter the walls of a workhouse. It might sound like exaggeration, but he could quote the words of the Poor Law Commissioners to prove it. It was, however, only fair to say, that the law was being administered of late in a wiser and more liberal manner, and that efforts were being made to counteract the evil of workhouse training and association by internal influences and external aids, so as to fit those born or educated in a workhouse to fill the position of domestic servants, or otherwise earn their bread in independence. But there could be much done to amend the law, and render it more suited to the present condition of the country and the necessities of the destitute. It was, at any rate, full time for the Government to do something for Ireland, so as, if possible, to arrest the fatal flow of emigration, and keep the people at home who were rushing in despair from their native shores, to live in a new country, under another constitution and another flag. For a period of sixty-four years England had the unrestricted control and management of Ireland and her affairs—and see to what a condition she had brought the country and the people! England should remember that she destroyed the legislative independence of Ireland, and that she did so by the foulest and most iniquitous means. Having done so—having deprived Ireland of the right of governing herself—England assumed the responsibility of governing it wisely and well, and she was bound by every obligation and honour to do so. If for the last sixty-four years the promises of the Union had been redeemed, there would be little heard of such associations as had been made the subject of ridicule, but which were significant, inasmuch as they embodied the discontent and represented the dissatisfaction of the country with the Government of England. But no effort had been made by the Government to render the people contented; and thus the finger of hope seemed to point to a home across the ocean, as the right receptacle for the remainder of the Irish race. Government and Parliament were, in his mind, pursuing an unjust if not a fatal policy, which could lead to nothing but misery and mischief. For his own part, he would prefer seeing Ireland restored to the power of managing her own affairs, for he felt convinced that those affairs could be more wisely and beneficially managed by Irishmen in an Irish Parliament than by Englishmen in an English Parliament; but as that seemed not attainable under present circumstances, he was anxious to make the best of the state of things as they existed. But nothing was done to conciliate, whereas much was done to exasperate. The press of this country, when it dealt with Irish affairs, indulged in jeers, taunts, and jibes at the expense of Ireland and her people, and he well knew how those jeers and taunts and jibes of the press, especially of some of the leading London journals, rankled in the blood of the young men of Ireland. Would to God that a different spirit could be infused into the hearts of those writers, and that in press, as in senate, a different tone might be adopted towards Ireland; for he, for one, heartily desired that the two countries should live in amity; and he would ask, in the name of justice and humanity, if not in the name of the honour of England, that if Ireland could not be governed by an Irish Government and legislated for by an Irish Parliament, English statesmen would learn to deal with her interests in a wise, just, and generous spirit.

MAJOR KNOX said, he wished to say a few words in reference to the offensive and intemperate speech of the hon. Member for Birmingham, who had stated that if a French fleet were to land in Bantry Bay the population of Ireland would all rise with acclamation against this country.

MR. BRIGHT: That was not my statement. I quoted the words of an Irish Protestant gentleman of large property.

MAJOR KNOX said, he was happy to find that the hon. Gentleman did not adopt the statement as his own; but from whatever source it came he could assure him that if a French army were to land at Bantry, or if a rebel army were to be raised under the hon. Gentleman's auspices, the men of Ulster would in either case be ready to come forward as one man to protect their liberties, and to uphold their connection with this country.

LORD NAAS said, he regretted to find that a discussion which had been opened with so much ability, and which had for the greater part been conducted with so much moderation, should have assumed so unsatisfactory an aspect towards its close. The hon. Member for Birmingham (Mr. Bright) had thought proper to go far back into the history of Ireland to rake up old grievances, and had represented that country as being in the worst possible position, the feelings of the people being alienated from England and their natural leaders; but, having done so, he had suggested no remedy for the evils of which he complained. It was indeed true that he had pointed out the expediency of assimilating the Irish Poor Law to that of England, but in making that suggestion he had not the support of the hon. Member for Dungarvan (Mr. Maguire), whose opinion was, that the English Poor Law was unjust and cruel, and that it would be a great curse that its operation should be extended across the Channel. But the fact was, that the feelings of the English nation, as well as of the House of Commons, towards Ireland had been most grossly misrepresented by the hon. Gentleman, who, great though his talents were, and long though he had had a seat in Parliament, had never proposed a single measure for the benefit of that country. Neither had the hon. Member for Dungarvan suggested any practical remedy for the evils of which he complained. He had alluded to the emigration which was taking place, and no one regretted that emigration more than himself, or had been more grieved at the scenes which he had witnessed at the railway stations or the quays, in the case of poor people who were about to quit their country. For that state of things, however, the hon. Gentleman had pointed out no cure. It was true, indeed, that he asked to have an alteration made in the land system, and for the general adoption throughout Ireland of the tenant-right of the north; but would a compliance with that request check the tide of emigration? Why, the fact was, that from Donegal and Monaghan, where that tenant-right was most recognized, the emigration was as great as from the south or west. The truth was, the extent of the emigration in Ireland depended upon other causes, which were far beyond the reach of Parliament, or of laws. Those causes were various, but among them was one which, he had no doubt, operated extensively, and that was, that at the other side of the Atlantic wages were higher, and the reward of industry more rapid than at home. Another cause, in which laws could have no effect, was the very great alteration which had taken place in the system of agriculture in Ireland, which prevented the man of small capital from competing successfully with those who could afford a large outlay. Agricultural improvement, he might add, had not the effect of producing a large population where it existed, as was exemplified in many parts of Lincolnshire, where the highest cultivation prevailed, as well as in the Lothians of Scotland, where the population had remained almost at a standstill for a period of fifty or sixty years. It was therefore, he contended, nothing short of wickedness that Gentlemen of position and popular leaders, who were well educated, and who knew those facts, should rise in their places in the House of Commons, and assert before the face of the people, many of whom were ignorant and ill-informed, that the true cause of the distress in Ireland was to be found in the apathy of the British Parliament. The hon. Member for Birmingham had, therefore, in his opinion, incurred a very heavy responsibility in making the speech which they had heard from him that evening. He might add that although it was matter of notoriety that a great amount of disaffection existed in Ireland, yet that disaffection did not, in his opinion, arise from any action on the part of that House, but was to be attributed rather to the exertions of paid American emissaries, who endeavoured to delude the Irish people into the notion that they might successfully resist the power and might of England. Now, when it was borne in mind that those poor people seldom had the truth told to them, and that they read but one class of newspapers, which did not hesitate to falsify history and to give them incorrect accounts of what was taking place all over the world, they were hardly to be blamed for the notions which they might entertain. Those, however, were to be blamed very much who ascribed to erroneous causes the state of things which prevailed in that country. In conclusion, he had simply to say that he was very glad the present discussion had taken place, inasmuch as it showed that the feeling of the House of Commons was in favour of the maintenance of the Irish Poor Law system, which, though it might be susceptible of improvement, was still in its leading principles the best suited to the country, and after the deliberate inquiry which had taken place two years before must be continued. His belief, he might add, was, that if the English system of outdoor relief were extended to Ireland the result would be, that thousands upon thousands in that country would, for their own security and the interests of their children, get rid of the poor upon their properties, and as far as possible keep the land in their own hands; while it was worthy of remark that those who were most opposed to that system were not the *ex-officio* guardians, but those guardians of the poor who were elected by an extended suffrage. He firmly believed that if any practical measure were brought forward for the good of Ireland it would receive the calm and anxious consideration of the House. He had been a Member for a period of fifteen years, and he had never seen a practical measure, no matter what the political opinions of the hon. Gentleman might be from whom it emanated, which did not receive a fair and generous consideration. And he did say that when it was represented that the misfortunes and miseries of Ireland were caused by bad institutions, that such representation was devoid of truth, and totally unworthy of the individual who had made such statement.

MR. HENNESSY then said, that adopting the suggestion of his hon. Friend the Member for Dungarvan, who was so high an authority on every subject relating to Ireland, that he should embody his views in a Bill, he should withdraw his Motion.

Amendment, by leave, *withdrawn.*

ROAD ROUND ST. JAMES'S PARK:

OBSERVATIONS.

SIR WILLIAM FRASER said, he wished to call the attention of the First Commissioner of Works to the state of the Road round St. James's Park at present and for many years past. During the last three days the road had been mended, and it was then just passable. When Her Majesty gave the public a road across the park, it was no doubt her wish that it should be placed in proper repair. But the road had, in fact, never been properly formed, although, considering the thousands of persons by whom it was used, some little trouble ought to be taken to put it into a proper state. He had received several letters since he had placed his notice on the paper, and although it was said that country Members were averse to the country at large paying for metropolitan improvements, yet considering that this was an appanage of the Crown, and that the road had been conceded by the Sovereign to the public, it certainly ought to be kept in decent repair. The first thing was that the road should be regularly made as a macadamized road ought to be. He trusted that the right hon. Gentleman would hold out some hope that the road should no longer be kept in the disgraceful state in which it at present was.

MR. COWPER said, he believed that considerable care had been taken to make the road a good one. A large quantity of granite had just been put on it, and in the course of two or three days, when the rollers had been properly used, the road would be very passable for carriages. The road was not worse than others in the metropolis, and if it had been out of order it was owing to the great traffic upon it and the wet weather.

Main Question put, and *agreed to.*

SUPPLY.

SUPPLY *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

LAND SECURITIES COMPANY (STAMP DUTY ON MORTGAGE DEBENTURES).

CONSIDERED IN COMMITTEE.

(In the Committee.)

SIR JAMES FERGUSSON moved,

> "That the Stamp Duty payable on the Mortgage Debentures transferable by delivery issued by the Land Securities Company Limited shall be the *ad valorem* duty which, by the Act of the Session of the 16th and 17th years of Her present Majesty, chapter 59, section 14, is prescribed in the case of Mortgages given by public Companies, as therein expressed."

Motion *agreed to.*

House *resumed.*

Resolution to be reported on *Monday* next.

House adjourned at half after
Eleven o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, March 14, 1864.

MINUTES.]—*Took the Oath*—The Lord DUNSANY.

PUBLIC BILLS—*First Reading*—Marine Mutiny.*

Second Reading—Vestry Cess Abolition (Ireland) (No. 19); Inclosure* (No. 26.)

THE COURT MARTIAL ON COLONEL CRAWLEY—THE JUDGE ADVOCATE GENERAL.—QUESTION.

LORD CHELMSFORD said, that a noble Friend, who was not now present, had on a recent evening asked the noble Earl the Secretary for War, Whether the military authorities recognized the part taken by the Deputy Judge Advocate at the court-martial on Colonel Crawley as a precedent to be followed in future? The noble Earl stated in reply, that it was a question of some difficulty; but that it might be desirable to consider whether the duties of the Judge Advocate General ought not to be limited to his judicial functions, and that the matter was under the consideration of the Government and the military authorities. He had heard that statement with great satisfaction; but it was dissipated a few nights afterwards by the answer given in the other House by the Judge Advocate General himself, who stated that it was not his intention to propose any alteration whatever in the duties of the office. He would now ask, Whether any alteration was contemplated, or whether things were to remain in their present state, with a chance of the recurrence of circumstances which had caused considerable dissatisfaction?

EARL DE GREY AND RIPON said, that there was no difference of opinion between the Judge Advocate General and himself on this subject. He (Earl de Grey) stated on the previous occasion, that the question was under the consideration of the Government and the military authorities, but that it was not a matter on which it was desirable to come to a hasty conclusion. At that time the Mutiny Act had not been passed, and the question put in another place had reference to the Articles of War, which were founded on the Mutiny Act, and the answer was that this year it was not proposed to make any change in the Articles of War. There was, however, nothing in the Articles of War which rendered the employment of the Judge Advocate General necessary in such cases. The tendency of the Articles of War was, on the contrary, rather in the opposite direction. The matter was well worthy of the consideration of Her Majesty's Government, and he quite agreed with the noble and learned Lord as to its importance.

DENMARK AND GERMANY—SPEECH OF M. HALL.—QUESTION.

THE EARL OF DERBY said, that with reference to the mission of the noble Lord opposite (Lord Wodehouse) to Copenhagen, he wished to put a Question with regard to a speech attributed to the late Danish Minister, M. Hall, which had been printed in the public papers. M. Hall, in appearing before the electors, stated the other day that he had had a conversation with the noble Lord, in which he asked him whether the withdrawal of the Constitution of November, as recommended by Her Majesty's Government, would be sufficient to avert the invasion of Schleswig. To this the noble Lord was reported to have answered most distinctly that it certainly would not. He did not see in the Correspondence anything to bear out that statement, and as the papers delivered came down to a later date, if any such statement had been made it ought to have been published. On the 21st of December there was, indeed, a conversation between M. Hall and the noble Lord, in which the former asked whether the withdrawal of the Constitution would be sufficient to prevent any further demands from being made, or any further steps taken by the German Powers. The noble Lord appeared to have evaded the question very ingeniously, the answer given being that it would be better for Denmark to consider not what she would gain by complying, but what she might lose by refusing. He wished to know, Whether there were any other circumstances that approached nearer to the statement of M. Hall; and, if so, whether the noble Lord would have any objection to state them?

EARL GRANVILLE suggested that it was a very irregular course to ask an individual Peer as to the part he had taken in a negotiation of this description. The Government were anxious to give every information on this subject, but he was not quite sure whether it was for the advantage of the public service that Her Majesty's Government should be asked questions upon every phase of negotiations still going on. It would have been more regular to put a question to the noble Lord the Secretary for Foreign Affairs, if he had been in his place, than to question an individual Peer as to the course he had pursued on a mission of this kind.

THE EARL OF DERBY said, he had given private notice to the noble Lord (Lord Wodehouse) of his intention, and he informed him that he had not only no objection to answer the question, but that he should be very much obliged to him for putting it. When a statement had been made by a noble Lord in his character of representative of this country, and when publicity had been given to the statement, it was only due to the noble Lord that he should have an opportunity of explanation.

LORD WODEHOUSE said, he was glad to have the opportunity of answering the Question which had been put by the noble Earl, as he thought it most desirable to remove the impression which had arisen from the manner in which the statement had appeared in the public papers. He had read the speech of M. Hall, but he was not clear what M. Hall meant to say. It appeared, however, that M. Hall stated that he (Lord Wodehouse) said that the revocation of the Constitution of November 18th, as regarded Schleswig, would not prevent the German invasion of that State. On his arrival at Copenhagen the execution which had been ordered by the German Diet in Holstein was imminent; and those who had read the papers would see from his despatch of the 16th of December that he stated that he had considered whether any measures that the Danish Government might be advised to take would have the effect of stopping the Federal execution, and that he regretted he had come to the conclusion that no measures which the Government could take would have that effect. He had very little doubt that M. Hall referred to that statement. He remembered being asked, after his arrival in Copenhagen, whether any measures were likely to stop the execution; and his answer was, in accordance with what he had stated in the despatch, that he was afraid nothing could stop it; and this was perfectly in accordance with what he had heard at Berlin. With regard to any further measures which the German Governments had since taken, it was clear he could not have made the statement in reference to them, for the simple reason that he could not possibly know what those measures would be. As the negotiations went on until the end of January, and he left in the first week in January, it was not probable that he could state with confidence what would be the result of the advice given by him during the last weeks of December. The object of the advice which he tendered at the instance of Her Majesty's Government to the Danish Government was, if possible, to prevent the invasion of Schleswig; and although he should have been taking too much upon himself had he engaged for the German Powers that they would not invade Schleswig, yet undoubtedly the object of the advice which he gave was to limit the occupation of the German troops to Holstein. He was speaking of a time when the execution had taken place, and when the only object was to prevent the invasion of another State which did not belong to the

German Confederation, which the German Confederation had never claimed, and the invasion of which the Danish Government throughout declared they would regard as an act of war.

DENMARK AND GERMANY.
JOINT ACTION OF EUROPEAN POWERS.

Lord STRATHEDEN, who had given notice of his intention to inquire of the Secretary of State for Foreign Affairs, What Credit ought to be attached to the Allegation of Prince Gortschakoff, reported by Lord Napier in a Despatch from St. Petersburg, page 504, No. 4 of the Danish Papers, to the effect that the four Governments of Austria, Prussia, Russia, and Great Britain are "now thinking and acting in harmony on a Question still more important than that of Holstein or Schleswig," said, he should have postponed his Question, but that he had been requested to put it by his noble Friend the President of the Council. It would be interesting to know what subject Prince Gortschakoff was thinking of when he wrote; it could hardly have been attendance at the proposed Congress, since the definite refusal of England to be present was known at that time.

Earl GRANVILLE: In the absence of my noble Friend the Secretary for Foreign Affairs—which is caused by a slight indisposition—I will state in reply to the question of the noble Lord, that we suppose that the allusion made by Prince Gortschakoff to an agreement between the four Powers necessarily referred to the agreement supposed to exist against the plan of a general European Congress. I can state in the fullest and most explicit terms that, as regards England, we have entered into no combination or treaty of any sort or kind with the other great Powers of Europe, of a nature which can be construed into the slightest hostile feeling towards France. I am anxious to state that in the most positive terms, so that it may be understood that no common agreement exists between the Powers mentioned, with regard to the great questions now pending in Europe.

IRISH REPRODUCTIVE LOAN FUND.
QUESTION.

The Earl of LEITRIM asked the noble Lord the President of the Council, What is the Amount of the Funds at present vested in Her Majesty under the Provisions of the 11 & 12 *Vict.* c. 115, and formerly the Property of the "Irish Reproductive Loan Fund Institution," and not disposed of; and how the Lords Commissioners of Her Majesty's Treasury proposed to dispose of that Money for the benefit of the Poor?

Earl GRANVILLE said, that a balance of about £23,000 remained available. The Act provided for the mode of its administration, but he was not aware that any precise decision had been made with regard to its disposal. An application had been put forward to the Government to aid the present flax movement in Ireland by sending Inspectors to instruct the agriculturists; but the Government obviously could not take upon themselves the responsibility of selecting proper persons and setting them their work. Another plan was under consideration, whereby it might be possible to give some assistance for that purpose to local authorities properly constituted. He could not yet say whether that plan would be adopted or not; or, of course, from what fund, in the event of its being given, the assistance might come.

VESTRY CESS ABOLITION (IRELAND) BILL—[No 19.]—SECOND READING.

Earl ST. GERMANS *moved*, That the Bill be now read 2^{a}.

The Earl of DONOUGHMORE said, that he approved of the object of the Bill, but he objected to the fourth clause, which would affect the whole system of the Poor Law in Ireland. The object of that clause was discussed by the Committee of the House of Commons which sat two years ago, and was almost unanimously rejected. With the insertion of this clause the Bill went beyond its title, and unless the noble Earl agreed to have it considered on bringing up the Report, he should move its omission in Committee to-morrow.

Earl ST. GERMANS said, the Bill only enabled the Boards of Guardians to do what the vestries were enabled to do at present. The power of providing coffins for the poor existed in England, and it was not abused. He believed there was even less danger of that power being abused in Ireland, where the people were very desirous of having their friends buried respectably. He should do what he could to meet the wishes of the noble Earl.

Motion *agreed to*: Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

THE AUSTRIAN FLEET.

QUESTION.

The Earl of ELLENBOROUGH said, that in the absence of the noble Earl at the head of the Foreign Office, he would ask the noble Earl the Lord President of the Council, Whether he had observed in the Correspondence from Malta, published to-day, that three Austrian vessels of war—a 50-gun frigate, a corvette of 22 guns, and a gunboat—had left Malta, it was stated, for Gibraltar and the Baltic. If that was so, they were now coming up the Channel with a westerly wind, and a week hence might be assisting in the attack upon Fredericia and Alsen. He should like to know whether the Government was acquainted with this circumstance, and whether any measures had been adopted in consequence?

The Duke of SOMERSET was understood to say, that he believed the vessels referred to by the noble Earl had left Malta for Gibraltar; but beyond that he had no information.

The Earl of ELLENBOROUGH said, that it was stated that their sailing instructions were for Gibraltar and the Baltic.

House adjourned at a quarter before
Six o'clock, till to-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 14, 1864.

MINUTES.]—New Writ Issued—For Armagh *v.* Maxwell, Charles Close, esquire, Chiltern Hundreds.

Select Committee — Report — Berwick-upon-Tweed Election.

Supply—*considered in Committee*—Navy Estimates.

Resolution [March 11] *reported*—Land Securities Company (Stamp Duty on Mortgage Debentures)*.

Public Bills — *Second Reading* — Consolidated Fund (£4,500,000)*; Consolidated Fund (£584,650)*.

Third Reading—Mutiny Bill*, and *passed.*

BERWICK-UPON-TWEED ELECTION.

Mr. LONGFIELD brought up the Report of the Select Committee.

House informed, that the Committee had determined—

1. That William Walter Cargill, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Berwick-upon-Tweed.
2. That no case of bribery was proved.
3. That it was not proved that corrupt practices prevailed at the said Election.
4. That there was no evidence laid before the Committee from which they had reason to believe that corrupt practices extensively prevailed at the said Election.
5. That the Petition of Alexander Mitchell was not frivolous and vexatious.

And the said Determination was ordered to be entered in the Journals of this House.

Report to lie upon the table.

Minutes of the Evidence taken before the Committee to be laid before this House.

OUTRAGES IN IRELAND.

QUESTION.

Mr. SCULLY said, he wished to ask the Chief Secretary for Ireland—

"Is he aware that many of the Irish Judges, in their Charges to Grand Juries, both at the present and at previous Assizes, have commented in strong terms on the great and the increasing inefficiency of the Irish Constabulary to prevent crime or to arrest the criminals:

"Is it intended to remodel the Irish Constabulary so as to render its organization, discipline, and accoutrements less military, and better adapted to a local Police Force:

"And will he lay before the House official Returns calculated to exhibit the nature and number of all serious outrages committed within the last two years in each county of Ireland, distinguishing those for which prosecutions or convictions have taken place from those which remain unprosecuted or unpunished?"

Sir ROBERT PEEL said, in reply, that there would be no objection to lay before the House Official Returns calculated to exhibit the nature and number of all serious outrages committed in Ireland for the time mentioned in the hon. Member's Question.

SLAVE TRADE ON THE EAST COAST OF AFRICA.—QUESTION.

Lord ALFRED CHURCHILL said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have any recent information as to the Slave Trade on the East Coast of Africa, and especially in the neighbourhood of Zanzibar; and whether any and what measures have been adopted to prevent the carrying on of that trade by the Portuguese and Northern Arabs?

Mr. LAYARD said, in reply, that the information received by the Government with respect to the slave trade on the eastern coast of Africa was, he regretted to state, of a very unsatisfactory nature.

While on the western coast the slave trade had greatly diminished, on the eastern it was very much on the increase. Her Majesty's cruisers had done all in their power during the last two or three years, and had captured upwards of one hundred Arab vessels with slaves on board; but the circumstances in which Her Majesty's ships were placed were very difficult. There were several reasons why they were not able to carry on the same action on the east as on the west coast. The cruisers were not sufficiently numerous, and since the abolition of the Indian navy there was not the same class of officers acquainted with the coast who were formerly able to put a stop to the slave traffic. According to information which he had received, between 20,000 and 30,000 slaves were carried off that coast annually by Arab vessels, which came down the Red Sea and from the Persian Gulf. This was partly the result of the efficacious measures taken by the Turkish Government, which had put an end to the slave trade on the Barbary coasts, so that the slave dealers had now recourse to the eastern coast of Africa. Another cause of the increase of the traffic had been the inability of Her Majesty's ships to interfere with native vessels carrying on the coasting trade in the dominions of the Imaum of Muscat. Under the treaty with the Imaum the coasting trade in slaves was so far sanctioned that it could not be interfered with by Her Majesty's cruisers, and the consequence was that a very large slave trade had been carried on. The Sultan of Zanzibar had now, however, authorized Her Majesty's cruisers to stop vessels which perform these coasting voyages at certain times of the year, and that permission would enable the cruisers to put an end to a large amount of slave trade. Other causes of the increase of that trade had been the facilities afforded to Arab vessels for flying the French flag, and carrying French papers, and thus securing themselves from search, and the encouragement of the trade, if not a participation in it, on the part of a large number of subordinate Portuguese authorities; though the Portuguese Governor of Mozambique was, no doubt, doing his utmost to put a stop to the traffic. A number of representations had been made on this subject to the Portuguese Government, and Her Majesty's Government had received assurances over and over again that the traffic should be stopped, but hitherto this had not been done. He had read with feelings of horror the accounts sent by Dr. Livingstone and others of the cruelties and devastation resulting from the prevalence of the slave trade within the Portuguese dominions on the eastern coast of Africa. Her Majesty's Government would not lose sight of the subject, and every attempt would be made to put a stop to that detestable traffic.

BRITISH CURED HERRINGS.

QUESTION.

Mr. W. MILLER said, he would beg to ask the Under Secretary of State for Foreign Affairs, If any attempts have been made to induce the Government of Austria to reduce the prohibitory Duty charged on the importation of British cured herrings into that country; if so, what success has attended such endeavours, and if he be willing to lay upon the table of the House Copies of the Correspondence that may have passed for the attainment of that object?

Mr. LAYARD said, in reply, that representations had been made to the Austrian Government on the subject, but they had altogether declined to do anything in the matter until the revision of the tariff between them and the Zollverein, which would take place in 1865; and then this subject would receive consideration. There was no correspondence which could, without disadvantage to the public service, be laid on the table.

COURT MARTIAL ON COLONEL CRAWLEY.—QUESTION.

Sir JAMES FERGUSSON said, he rose to ask the Judge Advocate, Whether the witnesses sent home from India for the defence of Colonel Crawley were privately cross-examined by the Deputy Judge Advocate at any time previous to their appearing before the Court Martial at Aldershot?

Mr. HEADLAM said, in reply, that it was not correct that any witnesses were sent over from India expressly for the defence of Colonel Crawley. What took place was this:—A general order was issued by Sir Hugh Rose that all persons knowing anything of the matter should be sent over to England; upon their arrival, Colonel Sir Alfred Horsford, who was appointed to conduct the prosecution, applied to the Deputy Judge Advocate and asked his advice as to the course he should pursue, and undoubtedly the Deputy Judge Advocate gave the most obvious advice under the circumstances—namely, that the first thing was to ascertain what each person who had been thus sent over could prove, and they were examined for that purpose.

ARMSTRONG GUNS AT KAGOSIMA.
QUESTION.

ADMIRAL **DUNCOMBE** said, he wished to ask the Secretary to the Admiralty, If he will lay upon the table of the House Admiral Kuper's Official Report of the performance of the Armstrong guns in the action at Kagosima?

LORD **CLARENCE PAGET** in reply, said, there would be no objection to lay upon the table of the House Admiral Kuper's Official Report of the performance of the Armstrong guns in the action at Kagosima.

DISCHARGE OF SOLDIERS IN 1864-5.
QUESTION.

MR. **DAWSON DAMER** said, he would beg to ask the Under Secretary of State for War, If, in consequence of the term of service of so many "ten years'" men in the Army expiring in 1864-5, the Government is prepared with any proposition by which they may secure the services of these old soldiers for a further period of eleven years, or, through them, making a sort of reserve in addition to the Pensioners?

THE MARQUESS OF **HARTINGTON** replied, that a very large number of men were enlisted in 1854 for ten years' service, on account of the Crimean war, and they would be entitled to their discharge this year. Measures had been and still were under the consideration of the Government for inducing a large number of them to re-enlist. The apprehensions which appeared to be entertained of a large loss to the army were unfounded, and he would take an early opportunity of explaining on the Army Estimates how the matter really stood.

GENERAL **PEEL** said, he wished to know when the Returns on this subject which had been moved for would be laid on the table?

THE MARQUESS OF **HARTINGTON** said, they were now in course of preparation, and would be produced as early as possible.

SOLDIERS' GARDENS.—QUESTION.

MR. **W. EWART** said, he wished to ask the Under Secretary of State for War, Whether it is proposed to afford Soldiers in the different Camps in the Country, and generally where practicable, facilities for cultivating gardens, as was the practice on the Continent, and as has been recommended by a Military Commission?

THE MARQUESS OF **HARTINGTON**, in reply, said, the wish of Earl de Grey was to afford the soldiers every possible facility for the cultivation of gardens. Wherever practicable, as at Aldershot, a commencement had already been made. The recommendations to which his hon. Friend referred were again under the consideration of the military authorities, and he hoped to be able shortly to announce that they would be adopted.

WEST RIDING ASSIZE.—QUESTION.

SIR **JOHN HAY** said, he would beg to ask the Secretary of State for the Home Department, Whether the Papers on the subject of the West Riding Assize will be laid upon the table of the House this week, and whether he will undertake that they will be in the hands of Members on the day that Parliament re-assembles?

SIR **GEORGE GREY** said, in reply, that they had been laid on the table some days, and that steps would be taken to have them printed and circulated during the recess.

EAST INDIA—GOLD CURRENCY.
QUESTION.

MR. **VANSITTART** said, he would beg to ask the Secretary of State for India, Whether, in seeking to introduce the English sovereign into India, he contemplates ordering the Collectors and other Revenue officers to receive the sovereign as a ten rupee piece, taking the chance of being able to issue it at the same rate; and whether he intends to pay the interest and principal of the Public Debt in sovereigns at ten rupees each, and to make this coin a legal tender for all debts contracted in rupees?

SIR **CHARLES WOOD** said, he must beg to explain that what he stated on a former occasion was, that it was desirable to introduce the sovereign into India, and that he should be very unwilling to adopt the suggestion of an hon. Member that a coin of exactly the value of ten rupees should be introduced, because that would approach so nearly to the sovereign in value, and would create an objection to the introduction of the sovereign. There was a difficulty, however, in the matter, on account of the sovereign being worth about sixpence more than the ten rupees.

DENMARK AND GERMANY—DANISH BLOCKADE OF GERMAN PORTS.

QUESTION.

Mr. FENWICK said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government has received information that the Danish Government will permit vessels that have been delayed by ice in the port of Lubec to leave that port without being subject to capture; and whether Her Majesty's Government will urge on the Danish Government the justice of permitting German ships which have been delayed by ice in German ports before the commencement of the war, and having cargoes on board belonging to British merchants, to leave such port without being subject to capture?

Mr. LAYARD, in reply, begged to state that the regulations of the Danish Government on this subject had been published in the *Gazette.* It was therein stated that a reasonable time, to be named by the owners of vessels detained in port by the ice, would be allowed for their departure. He had not received any information that Lubec had been blockaded. A few hours ago, however, an intimation reached him of the blockade of the following ports—Cammim, Swinemunde, Wolgast, Greifswalde, Stralsund, and Barth.

CONVICTS—REMISSION OF PENAL SERVITUDE.—QUESTION.

Sir STAFFORD NORTHCOTE said, he would beg to ask the Secretary of State for the Home Department, Whether it is the case that a notice is put up in every Convict prison to the effect, that Convicts under sentences for life may be eligible to have their cases considered, with a view to a remission of their sentences, after a period of from eight to twelve years; whether persons who, having been sentenced to death, have had that sentence commuted into a sentence of transportation or penal servitude for life, are held to be entitled to the same consideration as Convicts originally sentenced to punishment for life; and whether he will have any objection to lay upon the table a Return of the cases in which Convicts whose sentences have been so commuted have subsequently been liberated?

Sir GEORGE GREY said, in reply, that no notice such as that to which the hon. Baronet referred in the first part of his Question, was now put up in the convict Prisons. The notice now used was merely an explanation that all convicts under long sentences were exempted from the general rules as to remission. Each case was to be considered on its own merits, and no time was fixed when a convict would be entitled to claim remission. The practice under the old system had probably led the hon. Baronet into a misapprehension as to what was now done. There was a rule that no convict under a long sentence should be sent abroad, until he had undergone eight years of his sentence in this country. As to the second Question, it was very difficult to reply to it within the limits of an ordinary answer, and he hoped he might have an opportunity of explaining the matter more fully on some other occasion. He could only say briefly that no difference was made in the regulations between the two classes of convicts referred to — those who, having been sentenced to death, had had that sentence commuted to penal servitude for life, and those on whom the latter sentence had been passed in the first instance. Practically, however, a distinction was made between them. As to the Return asked for, there would be no objection to granting it, if it were limited as to time; and, if the hon. Baronet would communicate with him privately, that could be arranged.

VACCINATION REGISTRATION.

QUESTION.

Sir MORTON PETO said, he wished to ask the President of the Board of Health, Whether, as the registration of cases of vaccination is a total failure, both for statistical purposes and as an effective adjunct for the prosecution of offenders under the Act, it is the intention of Her Majesty's Government to amend the Act this Session?

Mr. LOWE, in reply, said, it was quite true that the system of registration under the Vaccination Act was very bad, but it would cost a great deal of money to improve it. Moreover, even when improved, it would not make these compulsory measures effectual to any extent. The great difficulty in working them was due not so much to defective legislation as to the reluctance of persons to prosecute poor people for disobedience to a law, the neglect of which was countenanced by too many who ought to know better. He was sorry, therefore, that he could not hold out any hopes of an improvement in the system.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE INUNDATION AT SHEFFIELD.

QUESTION.

MR. ROEBUCK: Sir, if the House will permit me, I will ask the Secretary of State for the Home Department a Question, of which I have given him private notice. I have no doubt his attention has been called to the terrible calamity which occurred at Sheffield on Friday night. I wish to ask the right hon. Baronet, Whether there will be any objection to the Government sending down to Sheffield a Government Inspector to inquire — first, into the cause of the catastrophe; second, as to the number of persons killed and the amount of property destroyed; and lastly, as to what means, if any, there are of relieving the distress of those who have suffered?

SIR GEORGE GREY: Sir, I have, in common with, I suppose, all hon. Members, read with deep concern the accounts of the dreadful catastrophe at Sheffield. I received to-day from the Mayor an application for a Government Inspector to be sent down to inquire into the circumstances connected with the calamity. I also received from the coroner a request that an Inspector might examine the works, and be prepared to give evidence at the adjourned inquest. In consequence of these applications, Mr. Rawlinson, civil engineer, has been directed to proceed immediately to Sheffield, and to put himself into communication with the authorities of the place, in order to give every assistance in his power in the inquiry. Mr. Rawlinson will arrive in Sheffield this evening. I have informed Mr. Rawlinson that if, on conferring with the local authorities, he thought that additional assistance was required for the purposes of the inquiry, another gentleman would be associated with him. With regard to any aid being afforded, I understand the hon. and learned Gentleman does not refer to pecuniary help, but merely to assistance to persons deprived of their homes by the inundation. I can only say that the Government will be glad to do anything they can to co-operate with the local authorities. No statement has, however, been made to me by those authorities that any such assistance is required.

BOMBARDMENT OF KAGOSIMA.

OBSERVATIONS.

MR. LAYARD asked the indulgence of the House in making a statement in vindication of the character of two very meritorious and excellent public servants, Lieutenant Colonel Neale and Admiral Kuper. When information reached those officers of the sensation which had been caused in this country by the very exaggerated statements which had been made concerning the events which had taken place in Japan, they naturally felt very deeply pained. He had that morning received a despatch from Colonel Neale, relating exactly what took place at Kagosima, which he trusted the House would permit him to read, as due to the gallant officer and Admiral Kuper. The despatch would, of course, be immediately printed and circulated, but he was anxious to bring it before the House at the earliest moment. Colonel Neale wrote as follows:—

"Yokohama, Jan. 16.

"My Lord,—The misconceptions which appear to have influenced the remarks of some of the public journals in England in respect to the proceedings at Kagosima, as published in the London *Gazette*, I venture to conceive, render it proper that I should place upon record a series of facts, the official recital of which did not seem to me at the time to be of urgent necessity. The statements of the Prince of Satsuma's agents, herewith enclosed, were made in free and friendly conversation with the members of this Legation, while the indemnity money was in course of counting and reception. I deem it desirable to add that the population of Kagosima at no period exceeded 40,000 inhabitants, far less 180,000, as has been strangely imagined, to serve as a more striking text for comments; and further, that those 40,000 souls, men, women, and children, withdrew while their huts and paper houses incurred the risks attendant upon stray shot and shell from a British squadron, audaciously fired upon by numerous batteries, because it had signalled its intention to obtain redress for a barbarous murder and outrage committed upon British subjects, for which all redress had been evaded.

Subsequent events, the voluntary payment of the indemnity demanded; the formal obligation entered into to execute the murderers of Mr. Richardson when arrested; the professions of friendship cheerfully expressed by Satsuma's envoys on behalf of their chief; their desire to cultivate friendly and social intercourse with the British nation; and their good humour and graceful offerings (of fruit) to the crew of the flagship of the British admiral after the facts of Kagosima; would all imply that the agents of Her Majesty displayed a degree of caution and moderation duly appreciated by those most deeply interested.

"I have, &c.,
"Edward St. John Neale."

An inclosure contained the purport of the conversation and statements of the agents of Prince Satsuma, on the occasion of the payment of the indemnity money at Her Majesty's Legation, on the 11th of December, 1863, and was as follows:—

"The agents for the payment of the indemnity stated that they had taken advantage of a coming typhoon at Kagosima to fire on the squadron, but that the typhoon had been the cause of the extent of the conflagration, and in consequence of there being no people in the town to put it out; that the number of soldiers collected in and about the batteries was 6,000; that immediately upon the appearance of the squadron, and even previously, as they had heard through Nagasaki it was coming, the Prince of Satsuma had ordered the inhabitants to retire into the villages, and that, therefore, no harm had happened to the people; that if we returned to Kagosima, we should find the town nearly restored to its original state; that reserves of soldiers were kept outside the batteries, but that it was difficult to get them to go into them to supply the place of those who were killed; that, immediately upon our taking the steamers, a horseman had been despatched at full speed to ask the Prince of Satsuma what should be done, when he directed that the batteries should immediately open fire upon the squadron.

"Abel A. J. Gower. Lackland Fletcher.
"John Macdonald. A. von Siebold."

THE NAVY ESTIMATES.

EXPLANATION.

Lord CLARENCE PAGET: Sir, in moving that you do now leave the chair, I wish, if the House will permit me, to advert for one moment to certain circumstances which occurred on Thursday evening last on the Navy Estimates. I am sure the House do not desire that anything should go forth to the country to the effect that any Government, or any Member of any Government, should have endeavoured to do that which would be most improper, namely, smuggle a Vote through this House. As this is rather a personal question, which has reference to myself and others, I thought the House would perhaps permit me to state shortly what took place on Thursday evening. On that occasion it was my duty, when Mr. Massey took the chair, to place Vote No. 8, for the Wages of the Artificers in our Dockyards, in his hands. My hon. Friend and Colleague, the Member for Halifax (Mr. Stansfeld) had promised that he would take that opportunity of making a statement—and I think a very interesting statement it would have been—to the Committee, having particular reference to the artificers in our dockyards. I had likewise, on a previous occasion, stated that such was the intention of my hon. Friend. When I placed the Vote in Mr. Massey's hands, my hon. Friend got up to make his statement; but he failed, unfortunately, to catch Mr. Massey's eye. [*Laughter.*] If hon. Gentlemen will allow me to conclude, I think they will see that their laughter has been rather out of place. My hon. Friend got up to make a statement, according to promise. He will best be able to explain the course he took, and what occurred as regards himself; but I wish to refer to what took place as far as I was a party to it. The Vote was put and passed; and I confess, very naturally, the surprise of the Committee was loudly expressed by several hon. Gentlemen, that, whereas the Government had promised that a statement should be made, in point of fact the Vote had been passed without any statement at all, and no opportunity had been given to the Committee to express any opinion upon the Vote or any objection to it. This was perfectly natural on the part of the Committee, and I was not surprised at it. Several hon. Gentlemen spoke on the subject. My hon. Friend the Member for Sunderland (Mr. Lindsay) insinuated that there had been, what I may call, foul play. He felt perfectly certain, he said, that my hon. Friend and Colleague did desire to address the Committee; but he hinted that some one had pulled him down. I could not help thinking at the time, that if anyone were to venture to attempt to pull my hon. Friend and Colleague down, he would run great risk of being pulled up for it. The hon. Member for Sunderland was followed by my hon. Friend the Member for Birmingham. My hon. Friend said, he thought an insult—

Mr. SPEAKER: The noble Lord is not entitled to repeat the words spoken in the debate on Thursday night.

LORD CLARENCE PAGET: My object is to satisfy the House, if you will permit me, that there was no intention on the part of the Government to deceive the Committee of Supply.

MR. SPEAKER: These are matters of personal explanation; and it is exceedingly inconvenient to refer at such length to a previous debate.

LORD CLARENCE PAGET: If I am not allowed to quote what my hon. Friend the Member for Birmingham said, I shall not be able to state that which is very honourable to him—namely, that having expressed himself in terms which he felt afterwards he would desire to retract, he, very handsomely, acknowledged his mistake. Perhaps, however, the rules of the House will allow me to read a letter I wrote to my hon. Friend, and, likewise, his letter to me in reply. My hon. Friend said in his place that there had been a trick practised by some one, and an insult passed upon the House; and I agree with him that the affair bore that aspect. When he sat down, my right hon. Friend the Chancellor of the Exchequer got up, and assured the Committee that there was no intention on the part of the Government to deceive—that it was a miscarriage—an accident. My hon. Friend the Member for Birmingham then said in answer that he acquitted the Chancellor of the Exchequer, but there was another Member of the Government whom he did not acquit, and who, he hoped, would be sorry for what he had done. I then rose in defence of my hon. Colleague the Member for Halifax, not believing that I was supposed to be implicated myself, and I said I was perfectly aware his intention was to address the Committee. So the debate ended. What was my astonishment when hon. Gentlemen informed me in private that I was the culprit — that it was I who had attempted to pull my hon. Colleague down, and so prevented him making his statement! I thought it was due to myself that I should set the matter straight, and accordingly I wrote to my hon. Friend the Member for Birmingham a letter which I hope the House will permit me to read, and likewise the letter he wrote to me in reply. I wrote the following letter:—

> "My dear Bright,—From any one but an eminent man I should treat such insinuations as were uttered by you last evening with silence, but, coming from you, I cannot allow the matter to drop. I shall, therefore, on Monday evening, in the debate on Navy Estimates, feel it to be my duty to give, unless you withdraw the insinuation that I was a party to a 'trick,' a full explanation, and shall leave it to the opinion of the House whether your most unworthy suspicions were in any way justifiable."

My hon. Friend wrote to me the following answer:—

> "Dear Lord Clarence Paget—I am sorry you are annoyed at what happened on Thursday night. I have spoken to Mr. Stansfeld and to Mr. Massey, and I come to the conclusion that the whole affair was a blunder of a mixed kind, and I think if you or Mr. Stansfeld had at the time explained the exact circumstances of the case, the little unpleasantness would not have occurred. I shall be quite willing to say this in the House on Monday evening."

I have only to add that I was no party to any trick, and that I regret what occurred as much as any Member of this House.

SCHOOL OF NAVAL ARCHITECTURE.

QUESTION.

SIR JOHN PAKINGTON, who had given notice to ask the Secretary of the Admiralty what is the present state of the arrangements, so far as the Admiralty are concerned, for establishing a School of Naval Architecture, said, he need not trouble the House long upon this Question, as full explanations had been already offered on the subject. He understood that the Department of Science and Art would exercise control over the proposed School, and he earnestly hoped that the intended arrangements would conduce to harmonious action between the directors of that department and the naval authorities and the mercantile marine. He should like to know, however, Whether the Board of Admiralty would object, now that the School was to be established at Kensington, to the removal of the naval models from the site they now occupied at Somerset House, to the school of Naval Architecture at Kensington? These models would form an appropriate part of the new institution, and would, he believed, be productive of beneficial results both to the Royal Navy and to the mercantile marine. Perhaps his noble Friend might not be able to give him an immediate answer, but he earnestly hoped that this would be done.

DOCKYARD PATRONAGE.

QUESTION.

SIR JAMES ELPHINSTONE said, he rose to ask, Whether the practice with respect to the patronage of the Dockyards, as laid down by Sir Charles Wood, Sir Francis Baring, and Sir John Pakington, has been subsequently departed from; and whether that patronage is now distributed by the First Lord of the Admiralty and the Controller of the Navy, instead of by the Superintendents of the Dockyards. The "man in the street" told them that they were going to have an election, and it was necessary that they should know the ground on which they were to stand. As far as he was personally concerned, he had no complaint whatever to make; but he understood that at the boroughs of Devonport and Chatham there were circumstances which might give rise to very great confusion at the next election. They had it in evidence that a gallant officer, for whose ability and character he had the greatest respect—the present Controller of the Navy (Rear Admiral Robinson)—was an elector of Devonport; that at the last election for that borough, while in command of the steam reserve—an important body, many of the persons serving in which had votes, and the man in charge of which, therefore, had considerable power over electors—this gallant officer exercised his electoral privilege at eight in the morning, and duly proceeded to the place where the poll was declared at four o'clock, and there in his uniform heard the result of the voting declared, with what demonstrations of feeling it was not material to inquire. The same officer was now the Controller of the Navy, and, without attributing to him any motive except that which a man of the highest honour might possess, still, if he and the First Lord of the Admiralty, as he was informed, had the entire dispensation of the patronage in the borough, it was absurd to suppose the public would not take it for granted that considerable political influence would thus be brought to bear upon the election. With regard to Chatham, at the last election a very near connection of the noble Lord the Secretary to the Admiralty was one of the candidates; and he was given to understand that the noble Lord, having settled his business with his constituents at Sandwich, appeared at the dockyard and to the best of his ability assisted his relative in his proceedings at Chatham. Now, the circumstances had not changed in either of those places. At Devonport, indeed, they were rather worse, inasmuch as the officer who before was head of the steam reserve was now Controller of the Navy. At Chatham, the gentleman to whom he had alluded was again ready to ask the suffrages of the constituency. Therefore he wished, before the contingency of another election occurred, to know on what ground they were to stand, and whether they were to have a repetition of the proceedings and recriminations which had marked previous contests of that kind?

NEUTRALITY IN AMERICA.

QUESTION.

MR. ROEBUCK: Sir, I have a Question to put to the noble Lord the First Minister, which I am very anxious that he should himself answer. I will preface this Question with two preliminary statements. The first is, that my hon. and learned Friend the Solicitor General informed this House that Her Majesty's Government were prepared to remonstrate with the Government of the Confederate States on their employment of agents in this country for illegal purposes. I would suggest to my hon. and learned Friend that he was then speaking about a matter which was *sub judice;* that he spoke not merely in his own person, and that person one to whom we all pay very great respect, but in the character of a great law officer. And not only that, but by his side sat the Attorney General, and it was quite clear that he spoke the opinion of the Attorney General. Moreover, he was the only Member of the Ministry who spoke on that occasion, so that he might be supposed to be the organ of the Administration in himself. The matter on which he spoke was then under the consideration of the law courts, and he expressed distinctly an opinion upon it. I think it would have been wiser if he had abstained altogether from any expression of opinion on a matter of that sort, especially in this House. But the Question being *sub judice*, we have to inquire at what point the transactions then were. It appears to me, Sir, that they were exactly at this point: that the Government believed certain things were being done by the Confederate States of America in this country which they held to be illegal; that they had brought those things before the courts of law; and that, as far as we have now gone, the courts of law have decided against the Government. No doubt there was an appeal, and that appeal—(I know not what may have happened to-day)—is still *sub judice.* Therefore, we may say that the Government, on mere suspicion, are about to remonstrate with the Government of the Confederate States. That is my first position. The next one is that the First Minister of the Crown has stated as his policy—and every other Member of the Government who has spoken on the subject has said the same thing—the First Minister has stated that they wish to maintain the strictest neutrality between the Federal and the Confederate States. Now, I believe that the noble Lord at the head of the Government really desires to do that; but I am afraid that the noble Lord at the head of the Government is not altogether master of the Government. There are other powers in the Government, and there is one great power that, I think, somewhat overshadows him and the whole Administration. The noble Lord the First Minister has won for himself not only the confidence of the country, but, I believe, its affectionate regard, and anything that he says he will do we have perfect confidence that he means to do. But, Sir, there is another power by the side of that noble Lord, and a power such as has always appeared in the Liberal Government of this country since the days of the Revolution. We have always had some member of what is called "a Revolution family" in a Liberal administration, who has governed, perverted, and destroyed it. The person to whom I allude is Earl Russell; and I may say that the honour of England in his hands has not shone forth with the brightness that I could have wished. Let us go, Sir, from China to Japan—though that is not far. But if I go farther, if I go to Poland, then to Denmark, and lastly to America, in every case I find that the honour, the name of England, has been tarnished by what has taken place. Sir, I have read the despatches on this matter, and the feeling predominant in my mind was that of dire humiliation. I felt that the honour of England has not been upheld as it ought to have been, and that the strict neutrality which the noble Lord the First Minister professes, and professes honestly, I am sure, has not been maintained. Why, Sir, the tone used was, in the first place, like the scream of a cockatoo or the scolding of an angry woman. The end was most unequal to the beginning; the words were big, but the deeds were the least possible. The noble Lord the Foreign Secretary seemed frightened by the bluster of the Federal Government, and the moment Mr. Adams threatened war he crouched before the menace, and England seemed to recede from her position among the nations. That being the case, Sir, I feel that I have a right to inquire what is the neutrality which the noble Lord professes, and what is the state of the two peoples between whom we profess to be neutral? Now, first and foremost, we may supply contraband of war, and we have supplied it to both sides. There is no difference whatever there. The next thing that we have supplied—that is, the people who have gone—is the men. They have gone in hundreds and thousands from this country to America and enlisted as soldiers to fight her battles. A very small number of our men have gone and enlisted in the navy of the Confederate States, and then comes Mr. Adams and says "Aye, but these sailors of yours have chased from the face of the waters American commerce." If they have done so, I, Sir, am very glad. But where is the difference between them and the men who have enlisted in the service of the Federals? They have enlisted as military men, and where peace and happiness reigned before they have been made the instruments of spreading a wide and desperate desolation. The whole proceedings of this American war are a blot upon human nature. And when I am told that I should have sympathy for the Northern States of America, I turn in absolute disgust from their hypocrisy. If there is a sink of political iniquity it is at Washington. They are corrupt, they are base, they are cowardly, and they are cruel. ["Oh!"] You say "Oh;" but I want to know what they have said of England. If I have said anything worse of them than they have said of us I am mistaken. I do not think that the history of mankind displays a spectacle more deplorable and debasing. Sir, there are two things which our law distinctly prohibits—and the Attorney General can correct me if I am wrong. The first of those two things is the supplying of ships, armed and equipped, to a State at war with another State with which we are in friendship. This is said to have been done in this country with respect to the Confederate States; and that matter is now *sub judice.* The Attorney General, with all his acumen and all his power of persuasion, has not been able to convince a jury of his countrymen that our law has been broken by the Confederate States of America. The next thing is the enlisting of men here to fight in the cause of the Federals; and that is what is now being done in Ireland. The right hon. Baronet the Secretary of the Lord Lieutenant last year acknowledged that the Government of Ireland was perfectly aware of what was going on in Ireland at that time; and at this present moment we see it broadly stated in *The Times* newspaper that the same thing is going on now. Therefore, coming from my first statement to my last, I ask whether, as you have determined to remonstrate with the Confederate States on mere suspicion—for you have carried it no further—are you prepared now, on mere suspicion, to remonstrate with the Federal States on their enlistment of men in Ireland for the purposes of the war in America? The question is clear, definite, understandable. I have perfect faith in the noble Lord at the head of the Government, and that he will give me a categorical answer; and if he determines not to make that remonstrance, I hope he will be able to make it clear to the House that he has a good reason for that abstinence on his part. I myself feel that on this occasion the honour of England is at stake; that we have, under the threat — for it is a threat—of a war with America, determined as far as we can to deprive the Confederate States of any assistance they can derive from this country. Into the real feelings of the noble Lord I will not inquire. I rather guess I know them. I fancy he is not a Federal, but of that I do not ask him to give any enunciation. All I presume to do is to ask him to be that strictly neutral person which he says he intends to be, and that he will stand up against any and every Power, I do not care what or where that Power may be, that would endeavour to coerce him to be a party to that Irish kind of neutrality which is all on one side. The question I have to ask is this:—"As the Solicitor General has stated that it is the intention of Her Majesty's Government to remonstrate with the Government of the Confederate States upon their employment of agents for illegal purposes," and as the First Lord of the Treasury has declared that the Government of Her Majesty desired to maintain the strictest neutrality between the Confederate and Federal States, Is it intended to remonstrate with the Government of the Federal States upon the employment by them of agents in Ireland for the purpose of enlisting as soldiers the subjects of Her Majesty?

VISCOUNT PALMERSTON: Sir, my hon. and learned Friend has been kind enough to pay me some compliments; but I beg to say I can accept of no one's compliments at the expense of a Colleague. My hon. and learned Friend ought to know that it is vain to endeavour to single out one Member of a Cabinet, to hold him up to public obloquy, and to make amends for that by compliments and praise to the Government at large. My noble Friend at the head of the Foreign Office is, no doubt, the organ of the Government in all its communications, and with regard to all its relations, with foreign Powers; but my noble Friend at the head of the Foreign Office takes no steps except in concert with his Colleagues; and I must declare to the hon. and learned Gentleman, who has endeavoured to separate me from my noble Friend at the head of the Foreign Office, that I am equally responsible with him for every step he has taken in the conduct of every negotiation which seems, unhappily, to have excited feelings of humiliation in the mind of my hon. and learned Friend—a feeling which I believe is not shared by the people of this country —a feeling which I am confident will not be shared by any man of impartial mind who shall look with attention to the different steps which have been taken in all those great transactions to which allusion has been made. Sir, once for all, I beg distinctly and positively to state, that those who attempt to separate my noble Friend from his Colleagues will fail in their endeavours, and betray an ignorance of the principles and practice of the Governments of this country. Be it henceforth known —and I beg my declaration may be recorded and borne in mind—that we are all, and I am especially, equally responsible with my noble Friend for every step he has taken in this matter. Now, Sir, we have declared our intention to observe strict neutrality in the contest unfortunately being carried on in America, and I maintain we have kept our word and acted on our declaration. The hon. and learned Gentleman contends that we have dealt a different measure of justice to one side from that we have dealt to the other. Well, it should be remembered that the two sides stand, unfortunately for one of them, in a very different position in regard to the assistance which they may derive from this or any other quarter. The Federals command the sea; all their ports are open; they can go to Birmingham, Liege, or any other place where arms and ammunition are manufactured; they may buy what articles they like, ship, and safely convey them to their own ports. They have the command of the markets of Europe, for the purpose of supplying their armies with anything and everything they may want to carry on the war. The Confederates, on the other hand, have not these advantages. They are shut out from the sea; they can only get supplies by blockade runners, many of which are taken, and few, comparatively, escape. Therefore, the conditions of the two parties are not equal under an equal law of neutrality in regard to both. It is true that there is also a great difference between the obtaining ships from a neutral country, and the obtaining of arms and ammunition. I do not dispute that in point of principle, and setting aside our own municipal law, these two things stand on an equal footing by international law and obligation. But if a belligerent goes to a neutral country and buys arms, cannon, and ammunition wherewith to arm large armies, he derives from that neutral a greater assistance towards deciding the war than perhaps one, two, or more cruisers can have on the ultimate fate of the war, although they may effect great injury to individuals. But we have a municipal law which overrides, in some respects, international relations, and we are bound by our own law to prevent certain things being done in this country for the benefit of one belligerent against another. We are bound, for example, not to permit enlistments and organization of men, and also to prevent the equipment and armament of ships. The one is an easy thing to prevent. The armament and equipment of a ship is a notoriety. A ship is a tangible thing; you can see with your eyes the progress made in its construction and equipment; you can interfere at the proper moment, and lay your hand on it to prevent a breach of the law being committed. But with regard to the enlistment of men, you have not the same means. The hon. and learned Gentleman says that great enlistments of men have been made in Ireland for the Federals. That may be so or not, but in order to punish those who have been guilty of that breach of our laws, you must have proof—proof which is not easily obtained. I dare say, speaking only from common report, it is very likely there are in Ireland agents acting under the orders of the Federal Government to induce fighting men to go and enlist in the armies of the Federals; but they are much too wise and cunning to make their enlistments in Ireland. There is, we know, so great a difference between the wages of labour in the United States and the wages of labour in Ireland, that in order to induce men to go it is sufficient to tell them, "Come as labourers. There is this railway and that railway, this work and that work, and instead of 1*s*. or 1*s*. 6*d*. you will get 10*s*. a day." They are, I say, much too wise to talk of enlistment in Ireland. They induce the people to go to find a better market for their labour, and when these men land at New York there are people there to offer them a hundred dollars, induce them to enlist in some Ohio regiment or another, and become soldiers, with the chance of plunder, and God knows what besides. I say, therefore, that though the statement of the hon. and learned Gentleman may be substantially true, that inducements are held out in Ireland to people to go to the United States, with the intention that when they get there they shall be inveigled into the army, yet to found any legal prosecution on these transactions you must have proof, which we are, as yet, unable to get. But we have remonstrated generally on this subject, and if the hon. and learned Gentleman will look into the papers which were laid before Parliament last year, he will see that representations have been made to the United States' Government on the reports and rumours which reached Her Majesty's Government on the subject. There was lately a transaction which engaged the serious attention of the Government—the *Kearsage*, a Federal cruiser, while in the harbour of Cork, was accused of having enlisted a number of men to serve in that vessel. When inquiry was made on the subject, the United States' Consul at Cork declared that there was no truth in the charge. Representations were then made to Mr. Adams; the men were returned to the shore, and if sufficient proof could have been afforded to identify those connected with that transaction, no doubt a prosecution would have been instituted. My hon. and learned Friend the Attorney General reminds me that, with regard to some who were proved to have been accessories and victims of that inveiglement, there is a prosecution now going on. If that prosecution succeeds, and you can prove that the municipal law of the country has been violated, of course representations will be made against the conduct of those officers, whether naval or consular, by whom that law was violated. I can only say that, in order to found a distinct and formal remonstrance to the United States, you must have proofs, and those proofs are difficult to obtain. But we have remonstrated with the United States' Government, as will appear from the papers which were last year laid on the table of this House. If it can be shown that there are grounds to entitle us to make remonstrances, be sure that my noble Friend at the head of the Foreign Office will be as ready as I or any of our Colleagues to vindicate the honour and the laws of the country by adequate representations to the Government to whom the infraction of our laws is imputed.

SIR JAMES FERGUSSON: Sir, I think that this question ought not to be passed by without any facts bearing upon it, which may be within the knowledge of any Member of the House, being stated. The matter is too important, and touches too nearly the honour of the country to be lightly treated. I believe that many persons have witnessed transactions with shame, which, if known to us, and not pressed upon the Government, would cover us with some of the disgrace which must attach to them. I disclaim any intention to diverge into a discussion upon American affairs. I have always entertained, in common with others, my opinion as to the probable result of the American contest, and, in common with others, I have witnessed with the utmost regret the savage character which the war in America has assumed upon the Federal side. We have seen horrors which have been denounced in European wars, not only permitted but encouraged by the Federal Government. Large regions have been laid waste by letting loose the flood of mighty rivers, and harbours, which the beneficence of Providence bestowed on the country, have been attempted to be destroyed by barbarous means; wholesale peculation and robbery have been perpetrated under the form of war by generals of the Federal States, and worse horrors than I believe have ever in the present century disgraced European armies have been perpetrated under the eyes of the Federal Government, and yet remain unpunished. These things are notorious as the proceedings of a Government which seems anxious to rival one despotic and irresponsible Power in Europe in its contempt for the public opinion of mankind, as well as in its disregard of the liberties of those who are unhappily under its control. Such proceedings must be denounced by every one who values freedom and constitutional rights. Now, whilst holding these views we have not pressed our opinions upon the House. I will venture to say that if such conduct had been proved against an European Power as is patent and known to the world with regard to the Federal army, this House would not have been so long silent. But when it is notorious that enlistment has taken place for the Northern army in Ireland—that British subjects have been entrapped into being instruments of cruelty and savagery, I think it is time for us to demand that a remonstrance should be made by Her Majesty's Government, and that our remonstrance should not be confined to the weaker side. It is only two years since an officer of the British navy told me that a large bounty had been offered to his men to enlist in the Federal navy—that American agents actually offered on board of a Queen's ship in a British port £10 to be paid in this country, and £15 on the arrival of each man at America. Now these matters must be known to Her Majesty's Government. And when on mere suspicions we are disposed to address a remonstrance to the Confederate Government, I think that some urgent remonstrance ought to be addressed to the Federal Government upon this subject. It must be known to the Admiralty how such matters are going on. I trust that we shall not disgrace ourselves by limiting our remonstrances to the weak, and shrinking from the vindication of the International Law in regard to those who have proved themselves utterly unworthy of being classed amongst civilized Powers.

MR. BRIGHT: I rise, Sir, not for the purpose of continuing the discussion, nor to refer to what has been said by the hon. and gallant Gentleman who has just sat down, but to make one or two remarks with regard to the effect of what has fallen from the hon. and learned Gentleman opposite (Mr. Roebuck). There is a charming simplicity in the character of the hon. and learned Gentleman who now appeals to the House and to the noble Lord so fervidly for the practice of impartiality as between the North and the South. But I have never heard, I think, on the floor of this House from any speaker language so unworthy of a Member of the House when speaking of a foreign Government—and in this case they are foreign only in a certain sense, for they are after all but another English nation—growing upon the other side of the Atlantic, and with none of those differences which in ordinary cases would entitle them to be called foreigners. The hon. and learned Gentleman has put a question to the noble Lord with regard to Ireland. If he will recollect what took place last year he will remember that the noble Lord, speaking on the Motion brought forward by the hon. Member for Dungarvan (Mr. Maguire), approved very much of the emigration of a large number of people from Ireland to America. In fact, it is said that the noble Lord at the head of the Government generously contributed to assist not a few poor persons on his own estates to leave Ireland and cross the Atlantic. The right hon. Gentleman the chief Secretary for Ireland last year—and, indeed, three or four nights ago—made speeches in which he expressed the same sentiments and approved very much of the emigration now going on. He showed, I think, that about 60,000 men crossed the Atlantic from Ireland in the course of last year. The noble Lord now tells us that the wages in Ireland are from 1*s.* to 1*s.* 6*d.* per day. That, I believe, is not quite correct. I have it on very good authority—from Irish Gentlemen near me—that the average wage of labouring men in the south and west of Ireland will not average more than from 10*d.* to 1*s.* per day. Well, if that be so, how dare the hon. and learned Gentleman with his logical mind—how dare he assume that a foreign Government is breaking international law and breaking our municipal law to induce Irishmen to emigrate to America, when he must know perfectly well that there are already overwhelming attractions, apart from the question of war, which would take Irishmen to America — and when he knows further that the bounty for enlistment is not, as the noble Lord said, 100 dollars, but very much nearer £100? The only marvel is that any Irishman who is not the owner of land, or a man of some capital, should remain in that blighted and unhappy country. Now, I happen to know the gentleman who fills the office of Consul for the United States at Liverpool, Mr. Dudley. Mr. Dudley told me, many months ago, that since the war began, every day, he believed, that his office had been open he has had to answer questions of men—Englishmen as well as Irishmen—who came to him to ask him to help them over the Atlantic that they might enlist in the Northern army. I believe the Consul at Manchester could give the same information, and that the Consuls in other parts of the country could say the same thing. There can be no object in the American Government employing persons to enlist Irishmen or to persuade them to go. The motives which impel them to go are so powerful that the American Government would show absolute stupidity if it attempted to do that which the hon. and learned Gentleman charges upon it. This, I think, is not at all unlikely to have been done. I think that when £100 is given for a recruit in the United States some sharp fellow may have found that he could afford to carry Irishmen or Englishmen over there for nothing in order that he might receive handsome remuneration for taking them there if the men chose to enlist and receive the bounty. The hon. and learned Gentleman himself, not very long ago, travelled through foreign countries, it is said, on commercial speculations. [Mr. Roebuck: It is not true.] Then I retract it if it be not true. But if it be not true, any American as sharp as the hon. and learned Gentleman would easily find out that he might make £10 or £20 for each passenger he took from Ireland to America, provided that when they got there they can be induced to enlist in the Northern army. I undertake to say that the opinion of the House, and of those who heard the speech of the hon. and learned Gentleman, will not be that he is a very fair critic of what takes place in the United States. More than that—I have no call whatever—no feeling, no inclination—to defend the character of the noble Lord at the head of the Foreign Office—but turning back to the events of last Session, and the part which the hon. and learned Gentleman took on the floor of this House, I undertake to say there does not exist to my knowledge a Minister, or statesman who has occupied the position of a Minister, who has done so much to humiliate this country and the House as the hon. and learned Gentleman did last year after he returned from his expedition to Paris.

Lord ROBERT CECIL: I think that the hon. Member for Birmingham has mistaken the exact nature of the issue raised by my hon. and learned Friend. Nobody disputed that no case of enlistment has been proved against the Federal Government in the Courts of the Law. There is, however, a prosecution going on upon the subject, and strong surmises are entertained, and have reached that point that the Secretary of the Lord Lieutenant of Ireland last year stated to the House as an undoubted fact, that enlistments for the Federal army were going on in that country. Now, what is the complaint of my hon. and learned Friend—a complaint in which I am disposed to join? It is, that the Government proceeded to remonstrate with the Confederates on pure surmise, while, with regard to the Federals, there being surmises at least as strong, they refuse to take a similar course. Remember both sides are in precisely the same case. Both sides have been presented to us for alleged breaches of the laws of neutrality; but the charges have never been proved against either. There are strong features of notoriety against both; but Her Majesty's Government have remonstrated in the one case, but have refused to remonstrate in the other. There is another point to which I wish to call the attention of the Government. I have lately seen in the news from America a statement that agents from the Washington Government are about to be sent over to England and Ireland to induce persons to emigrate to the Northern States. Of course the statement is, that British subjects are only induced to emigrate in order to obtain industrial employment in that country. But these agents induce men to go over to America, and when they get there they are enlisted. As the noble Lord at the head of the Government says, they go over as peaceful emigrants, and become soldiers when they get there. What do the Confederates do? Why, they ask also to be allowed to obtain peaceful ships which shall leave our harbours in that condition, and which, directly they get out of our jurisdiction, become vessels of war. The case is precisely the same in both cases—the raw material, so to speak, of the soldier or the vessel of war, is bought in this country, but it is not converted into a belligerent implement until out of our jurisdiction. I confess it seems to me that the offence — if offence it be — is exactly the same in both cases; and it is unjust to charge one party with a desire to elude the law when you do not make the same charge against the other. The hon. and gallant Gentleman the Member for Ayrshire (Sir James Fergusson), expressed some apprehension that we should disgrace ourselves if, after having evaded so many wars with strong Powers, we should plunge ourselves into a war with the Confederate States in their present difficulties. But I confess I am under no such apprehension. My own impression is, that the Confederate States, even in their present condition of comparative adversity, are very much above the war point of Her Majesty's Government, and that, therefore, it is with the greatest equanimity that I hear that Her Majesty's Government intend to remonstrate. In fact, I believe there is no greater proof that they consider the Confederate States to be among those too strong to go to war with, than the fact that Her Majesty's Government intend to remonstrate with them. There is not a strong Power in the world Her Majesty's Government have not remonstrated with, and I have no doubt they will go on remonstrating to the end of the chapter; but I have never discovered that these remonstrances have produced the slightest injury to those to whom they were addressed. If, therefore, it is any satisfaction to the feelings of hon. Gentlemen opposite, to whom remonstrating appears to convey a kind of balm, I am sure no one can have any objection to such harmless indulgences, and I trust Her Majesty's Government will go on remonstrating so long as they find the slightest pleasure in that agreeable occupation.

MR. KINGLAKE: I rise, Sir, to endeavour to avert a portion of the evil consequences which may be occasioned by the language which the hon. and learned Member for Sheffield has thought fit to apply to the Government of Washington. He has thought it fit and becoming to apply the terms "base," "cowardly," and "corrupt," to that Government; and I wish to state my opinion, that the charges of the hon. and learned Gentleman do not represent the opinions of this House; nor do they represent the opinions of any party, or any fraction of a party in this House; they represent only that which no doubt the hon. and learned Gentleman has a great respect for —namely, the opinions of himself. I think, however, we shall be able to explain to the people of America, if they are rendered indignant by reading such language, what manner of man it is who has thought fit to use insolent language of this description. They may say and imagine from seeing the kind of way he has of expressing himself, and the attention this House is sometimes disposed to give to him, that he is a kind of oracle in this House. I quite agree he so far performs the part of an oracle in this House that he does speak with a kind of mystery and a degree of precision which we attribute to the oracles of old. But I have to remind him that there is another quality required in an oracle, and that is, that the oracle should be an oracle whom somebody consults. Now, I must say that I have been some years in this House, but I never heard of any party, or fraction of a party, or any group of men who ever went to consult that oracle. We may also ask the people of America, if they are rendered indignant at the hon. and learned Gentleman's language, to remember that the same speaker at the same moment applied to Earl Russell similar language—describing that noble Earl's language as the "screamings of a cockatoo," and his anger that of a "scolding woman." These were the images by which the hon. and learned Gentleman has thought fit to convey his impressions of Earl Russell; and I think we may express our hope that the American people will be as indifferent to the language which the hon. and learned Gentleman has applied to the Government of Washington as I am well assured Earl Russell will be when he hears he has been vilipended by the hon. and learned Gentleman.

MR. CAIRD: I wish to supply some of the facts which were promised, but which were unaccountably omitted by the hon. and gallant Member for Ayrshire (Sir James Fergusson). I also, like the hon. and gallant Gentleman, have been in America, and from what I saw in the Western and in many parts of the Northern States, I believe that there never was a people so determined and so ready to submit to any sacrifice in the prosecution of a war which they at all events believed to be a just and a right one. It is a mistake to suppose that the Irish who are going in such numbers to America are fond of the war. For example, in Chicago, the population is one-third Americans, one-third Germans, and one-third Irish, and the latter are the most reluctant to go to war. Of 6,000 men supplied by Chicago to the Illinois army, 3,500 or 60 per cent were Americans, 1,700 or 30 per cent were Germans, and only 800 or 10 per cent were Irish. The inducements for emigration, owing to the high state of the labour market in America, are sufficient reasons for such vast numbers of Irish emigrating. I hold in my hand an advertisement published in an American newspaper so late as the 19th of February last, from a line forming in Wisconsin, offering about 7*s*. per day for railway labourers. It may be said that they would be paid in greenbacks; but the railway company guarantee that they shall receive every necessary that they require for 12*s*. a week; so that they will make a clear profit of 30*s*. a week. Is it, therefore, surprizing that men earning only about 6*s*. or 7*s*. per week should emigrate to a country where they can earn 42*s*. per week? And as to the objection that the payment is in greenbacks, it must be remembered that greenbacks in that country procure every necessary a man requires there. From ignorance of the vast inducements that exist in America, and which are likely to continue, to favour emigration, we wrongly attribute it to a breach of the Foreign Enlistment Act. In the valley of the Mississippi there is a tract of land five times the extent of England, far more fertile than this country, and underlaid with coal and iron. It is capable of absorbing between four and five millions of people more, and of keeping in abundance seventy millions. Is it, therefore, to be wondered at that such prospects as these draw large numbers of persons from our shores? There is, in my opinion, a silent revolution beginning in the labour market, which will effectually settle what has often come before this House owing to the redundancy of our population—namely, the laws of settlement and removal, and which will, no doubt, be settled in a way we who are the employers of labour do not desire to see them settled.

QUARTERMASTER ACRES—THE NORTH TIPPERARY MILITIA.

OBSERVATIONS.

MR. POLLARD-URQUHART called the attention of the House to the circumstances attending the dismissal of Quartermaster Acres from the North Tipperary Militia relative to some missing stores. Mr. Acres complained that he had not had a fair hearing. Charges were made against him, and witnesses were called in support of them, but he was not permitted to enter into any defence, or call rebutting evidence. The hon. Member moved for a copy of the Correspondence that had passed between the authorities upon the subject.

SIR ROBERT PEEL said, that when Quartermaster Acres was dismissed from the Tipperary Militia, the question came before the colonel of the regiment, and was subsequently submitted to the lord lieutenant of the county, and the result was that the dismissal of the quartermaster was judged to be justified by the circumstances. He hoped the House would not think it desirable that the papers should be produced.

THE POLICE IN THE DOCKYARDS.
QUESTION.

MAJOR KNOX said, he understood that large numbers of the Metropolitan Police were engaged in the Dockyards, and he wished to know, If the Assistant Commissioners of Police in London received extra pay for the additional duty thus cast upon them ?

M. MAZZINI AND THE GRECO CONSPIRACY.—QUESTION.

SIR LAWRENCE PALK said, he desired to make an inquiry on a matter of great importance to the honour of this country. He could perfectly understand any hon. Member occupying a high and distinguished position in Her Majesty's Government treating with contempt any scurrilous abuse of him that might appear in newspapers of this or any other country; but when a grave charge had been made against the honour of England, or the honour of Her Majesty's Government, by a high official of a friendly nation, it could not be supposed that a communication had not been instantly made to the Government of that nation, that the assertion had not been at once met by an official contradiction, and that proof of a convincing nature as to the falsity of the charge had not accompanied the communication. He therefore could not believe for one moment but that communications had passed between the Government of the Queen and the Government of the Emperor of the French as to the statement made on the occasion of the late State trials in France by the Procureur Général. In his opinion, no charge so repugnant to the feelings of the English nation could be brought against any member of our community as that an Englishman—he cared not of what political opinions—had directly or indirectly, by word or deed, by writing or expression, instigated or promoted assassination. He was sure Her Majesty's Government had availed themselves of the opportunity afforded them by the public statement to which he had referred to vindicate the honour of the country, and to show that the assertion made by the Procureur Général was utterly and entirely devoid of all truth. He hoped Her Majesty's Government had gone even further, and had shown that there could not have been any possible ground for a suspicion that the charge had any foundation, and that they had likewise assured the French Government that no accusation could be more abhorrent to and more worthy of the contempt of all Englishmen, than that any one of them could, directly or indirectly, be guilty of employing people to become assassins. He wished to ask the Under Secretary of State for Foreign Affairs, whether any Correspondence had passed between Her Majesty's Government and that of the Emperor of the French with reference to the statement made on the occasion of the late trials in Paris by the Procureur Général ; and whether there was any objection to lay such Correspondence (if any) upon the table ?

MR. LAYARD : The hon. Baronet says it is necessary that the honour of the country should be vindicated in a matter of this nature. I quite agree with the hon. Gentleman, and I think that the dignified way of vindicating the honour of this country in a matter of the kind is to treat such an accusation against a Member of this House and of the Government, coming from the public prosecutor, with the contempt it deserves. I am sure there is no man in England, and no man in France acquainted with England — and there is no one better acquainted with her than the exalted personage who now reigns in France — who is not convinced that the charge made against his hon. Friend (Mr. Stansfeld) must of itself be utterly false. It would be unworthy of Her Majesty's Government to take notice of such a charge, and the course we have pursued is to take no notice of it. Therefore no communication has been made by Her Majesty's Government to the Government of the Emperor of the French, nor is intended to be made, on the subject.

SIR LAWRENCE PALK : Has any communication on the subject been made by the French Government to the English Government ?

MR. LAYARD : None whatever.

MR. HENNESSY acquiesced in the assertion just made by the Under Secretary for Foreign Affairs, that no gentleman in this country, no Member of the Government, and no Member of that House, would be guilty of the charge made against a certain person by the Procureur Général ; but as the doctrines of M. Mazzini had been made the subject of comment in Parliament on more than one occasion, he thought the House might pause to inquire what really was the policy of M. Mazzini on the subject of assassination, and whether that policy had been promulgated in England. He held in his hand a work published by Holyoake and Co., of Fleet Street, entitled, *Mazzini's Letters to Daniel Manin*. The latter was President of the Republic of Venetia in 1848, and in a letter which had been published in *The Times*, he had accused the Mazzini party of encouraging assassination. In a letter, entitled *On the Theory of the Dagger*, Mazzini, replying to him, said—

> "And as if to substantiate beforehand such an accusation, and allow others to suppose a powerful secret organization for murder to exist—you speak repeatedly of the courage needed to write your letter. Courage! You well knew that by declaiming against the dagger you will obtain, without the smallest shadow of risk, the name of the most moral among all the leaders of Italy, from all those who, secure beneath the shelter of their national flag, secure in the exercise of their rights, secure in a well organized national justice, coldly judge the irregular and convulsive efforts of an uneducated and oppressed people, who have no hope left save in a bloody struggle, and no tribunal to establish the balance of justice between them and those who tyrannize over them."

Again, he observed—

> "If your oppressors have disarmed you, create arms to combat them; make weapons of the iron of your crosses, the nails of your workshops, the stones of your streets, the daggers you can shape from your workmen's files. Snatch by artifice and by surprise those arms by which the foreigner takes from you your honour, your property, your rights, and your life. From the dagger of the Vespers, to the stone of Balilla and the knife of Palafox, blessed be in your hands every weapon that can destroy the enemy and set you free. This language is mine, and it should be yours. The weapon that slew Mincovich in your arsenal initiated that insurrection of which you accepted the direction in Venice. It was a weapon of irregular warfare, like that which three months before the Republic destroyed the Minister Rossi in Rome. But if, by the theory of the dagger, you mean the language of those who would say to our fellow-citizens 'Strike—not to initiate the insurrection, but merely to wound; and, because you cannot or will not arise, strike in the dark isolated individuals whose life or death forms no obstacle to the salvation of their country; substitute the revenge which degrades for the conspiracy which emancipates; make of yourselves a tribunal before you are even citizens, and without giving your victims time for repentance or exculpation.' Who utters such language—who has disseminated in Italy this atrocious theory? It is your duty to declare this, or retract the accusation."

He closed another paragraph in these words—

> "In the culpable indifference of governmental Europe to an idea of country and an immense aspiration nourished by a people, and forcibly restrained for more than half a century—in this state of things is the true source of the theory of the dagger."

Then he went on to give his idea of the true source of the theory of the dagger—

> "The Government of France, by shutting up the path of progress in Rome—that the Protestant English Government, by declaring in its despatches its desire for the return of the Pope—that all the European Governments, by forbidding Italy to become a nation—are responsible before God and man for the daggers that glitter amid the darkness in our land."

Then he went on to say—

> "To the men who are suffering under the knife of the executioner, 'Use not the knife in your turn,' is the same thing as to say to a man dying in an atmosphere of pestilence, 'Let your blood flow calmly through your veins — cure yourself.' It is a similar error to that of the worthy men who would refrain from initiating Republican institutions until those born and educated under a Monarchical despotism have acquired the virtues of Republicans."

Then he dwelt on the fact of the dagger—

> "The fact of the dagger will disappear whenever Italy shall have a life of her own, her rights recognized, and justice done to her."

A little further he went on to say—

> "I abhor the shedding of a single drop of blood when not absolutely necessary to the triumph or consecration of a holy principle. There are exceptional moments in the life and history of nations, not to be judged by the normal rules of human justice, and in which the actors can only receive inspiration from their conscience and from God."

This was the last passage he would quote—

> "Sacred in the hand of Judith is the sword that took the life of Holofernes; sacred was the dagger which Harmodius encircled with roses; sacred was the dagger of Brutus; sacred the stiletto of the Sicilian who began the Vespers; sacred the arrow of Tell. Whenever justice is extinct, and a single tyrant cancels through terror, and denies the conscience of a people, and the God who willed them free—if a man, pure from hatred and every baser passion, arises, in the religion of country, and in the name of the eternal right incarnate within him, and says to him, 'Thou torturest millions of my brothers; thou withholdest from them that which God has decreed theirs; thou destroyest their bodies, and corruptest their souls; through thee my country dies a lingering death; thou art the keystone of an entire edifice of slavery, dishonour, and wrong; I overthrow that edifice by destroying thee;'—I recognize in that manifestation of tremendous equality between the tyrant of millions and a single individual the finger of God. Most men feel in their hearts as I do. I express it."

Such was Mazzini's description of his own opinions, and certainly it was clear enough. The English public were indebted to a Minister of the Crown for a description of the character of Mazzini, which he would read to the House. A late Prime Minister of the King of Sardinia—Farini—

had written a book entitled *The Roman States*, which had been translated by a Member of the present Cabinet, and in it was this passage—

> "For the sect of Mazzini, which incessantly rails at diplomatic finesse, has itself too its own artifices, its own political tricks, and this is one of them, to exasperate the temper of men, and communicate to them the impulse which desperation and the fear of punishment impart, in their phrase to compromise as many as possible, and then 'once done is well done;' but in our time there are few who are disposed to play desperate games, and the satellites of Mazzini, aware of this, threw themselves into the midst of a class habituated to faction, and make common cause with assassins."

The English public were indebted to the present Chancellor of the Exchequer for that description of the character of Mazzini. That these were the real opinions of Mazzini had never been disavowed, and it was therefore with some surprise that the country had heard the speeches recently made by two Ministers of the Crown. One of them in that House almost praised Mazzini, and affirmed his belief that he had never countenanced assassination; and the other, in the other House, though he did not go so far, said that he had done nothing in this country which could lead the Government to believe that he entertained such principles. He (Mr. Hennessy) thought it was important to remember that this pamphlet was published in London just before the first attack on the Emperor of the French. He wished to divest what he had said from the least semblance of an attack on the hon. Member for Halifax, and still more anxious not to renew the unpleasant personal question which had occupied the House on a former evening. He felt convinced that the hon. Member was not only personally convinced of the accuracy of all he had stated; but, looking to the great effect which a man of Mazzini's genius must exercise upon those with whom he came in contact, he believed the hon. Member had been made his dupe in this instance.

Mr. W. E. FORSTER said, he did not think the observations and speech of the hon. and learned Gentleman (Mr. Hennessy) would be considered by the public as adding to the dignity of the House of Commons. The hon. and learned Gentleman had brought forward a charge against an absent man, who, whatever his faults, was a man of high character, and against whom a charge had been made by a foreign Government, which the hon. and learned Member himself did not say that

he believed to be well founded, and which in the opinion of men of all parties was not well founded. He believed it was the general opinion that Mazzini was not implicated in any plot for the purpose of assassinating the Emperor of the French, and that if there was any plot in the matter it was got up to implicate him. The effect of the hon. and learned Member's speech would be, that whenever there was a prosecution the fact of such a charge having been made would be quoted in the House of Commons, and it would be said that Mazzini was guilty, because, in the opinion of the hon. and learned Member, he was capable of assassination. It was not making a right use of that House, to read from a pamphlet published some years ago to found a charge against Mazzini, and from which it would be supposed that he countenanced the crime of assassination. If the hon. and learned Gentleman really believed Mazzini to be guilty, let him call upon the Government openly to prosecute him: if he did not, he ought not to make such charges out of a pamphlet written a long time ago, which might contain some foolish things which none of them would approve, but of which they could not judge unless they had the whole of it before them. He hoped that the licence of discussion enjoyed within those walls would not be made use of to help charges made by a foreign Government against any man, however enthusiastic or however mistaken he might be in some matters.

Mr. GRANT DUFF said, it did not lie in his mouth to defend M. Mazzini, much less to defend assassination, but he rose to say that he regretted to see the House of Commons made involuntarily to act a part in a gigantic hypocrisy. The hon. and learned Gentleman naturally detested Mazzini, because, in spite of his many faults and shortcomings, he more than any other man had kept alive in evil times the great idea of Italian unity. But the hon. and learned Gentleman, who came down to attack Mazzini, was himself the principal advocate of a movement which had relied more upon assassination than any other movement in the history of the world. The Polish movement, with which to a certain extent he sympathized, had disgraced itself by relying on assassination. General Mouravieff personally informed him on the 1st of January last that up to that time 804 persons in his district had been murdered by the insurrectionary Government—that, of course, had no reference to those who had been killed in skirmishes—and on the 4th of January General Berg told him, that in his district 940 persons had been murdered in the same way. He knew that the names of Mouravieff and Berg were justly unpopular in this country, but notwithstanding this he offered the personal word of these two men—men of high position in Europe—as to these facts, and he would place that in opposition to anything which might be brought forward on the other side. Did the hon. and learned Gentleman really dislike assassination, or was it merely all assassination except that in the good old cause in which Ravaillac and Balthasar Gerard acted?

Mr. DISRAELI: Sir, I think the observations of the hon. Member for Bradford (Mr. W. E. Forster) ought not to pass altogether unnoticed. He has drawn the attention of the House away from the question before it, and the position which he has laid down is one which the House of Commons ought not to recognize. It is the right of the House of Commons, and it ought to be its duty when necessary, to observe on the conduct of absent men. It certainly is not necessary that M. Mazzini should be a Member of this House to give us a right to comment on his conduct. I thought that the remark made the other night by the Prime Minister went nearly to the root of all Parliamentary criticism, when he described comments made on a Minister of the Crown who happens to have a seat in the other House of Parliament as an attack upon an absent man. We are now advancing in that theory, and, according to the doctrine of the hon. Member for Bradford, there is not a foreign Potentate or a Foreign Minister whose conduct we can call in question—because he has not a seat in this House. But it is too absurd to notice, and it is not for that purpose I rose. What I want to call the attention of the House to is the real point under consideration. They seem to have forgotten the case which called upon my hon. and learned Friend the Member for the King's County (Mr. Hennessy) to make some observations. What did occur was this. Some nights ago, when this question was brought before the House, and the conduct of a gentleman, a Member of the Administration, was impugned for his supposed intimacy with M. Mazzini and his possible connection with assassins, that Gentleman, sitting next to the Prime Minister, rose, and announcing himself as a Minister of the Crown, and thereby giving due solemnity to any statement which he might make to the House, repudiated in most indignant language that he could be connected with assassins; and, avowing at the same time long intimacy and perfect friendship with Mazzini, also declared that M. Mazzini was incapable of such advice, conduct, or suggestion. Well, Sir, the affair at the moment terminated. But it certainly was in the power of my hon. and learned Friend to show to the House that the statement of this Minister of the Crown was unfounded. His statement was based upon an avowed intimacy of seventeen years, and the Minister of the Crown declared that M. Mazzini was one who would not tolerate principles which sanctioned assassination. My hon. and learned Friend was conscious that there were public documents which show that M. Mazzini, on political and philosophic principles, is not only the votary and advocate, but the great promoter of assassination. After the statement which my hon. and learned Friend made to the House the other night, I think he only does that which is due to the House when he vindicates that statement, and shows — as he has shown in a complete manner — that he was justified in the observations which he then made. And I am not at all surprised that my hon. Friend the Member for Devonshire (Sir Lawrence Palk) should have addressed a question to the Government, which has been answered in so unsatisfactory a manner. These are grave matters. Here is a plot to assassinate a neighbouring Sovereign, who still, we believe, is an intimate ally of this country. A Member of the Government — a Minister of the Crown — who by his own admission is at least the friend of Mazzini, if not the correspondent of Greco, rises and gives a character to M. Mazzini which it is in the power, as has been shown to-night, of any one who obtains authentic information to prove has no foundation whatever in fact. He acknowledges his long intimacy with M. Mazzini, and he says at the same time, from his personal observation of M. Mazzini's character, he is convinced M. Mazzini is incapable of entertaining those odious opinions. Well! it speaks very little for the knowledge of human nature possessed by a Minister of the Crown, and very little for his power of observation, if, having for seventeen years been intimate with this well-known character, he believes him to be incapable of opinions which he has so elaborately and consistently vindicated, and on every occasion circulated and defended. I think these are very grave circumstances. We have the admission that a Member of the Administration is the intimate friend of one who professes this organized system of assassination, and I think that my hon. Friend the Member for Devonshire was perfectly justified in making the inquiry of Her Majesty's Government, and that the House, the country, and other countries, will deem the answer of the Under Secretary for Foreign Affairs most unsatisfactory.

DENMARK AND GERMANY—INTEGRITY OF DANISH MONARCHY.—QUESTION.

MR. DARBY GRIFFITH said, he did not rise to put the Question with reference to Denmark, of which he had given notice, but to complain of the bitter manner in which the hon. and learned Member for Sheffield (Mr. Roebuck) had put his Question with reference to America, which rendered it necessary for the noble Lord at the head of the Government to answer him at once, and precluded him, by the forms of the House, from answering any other Question. The hon. Member for Sheffield was never remarkable for his courtesy or consideration for others; and he (Mr. Griffith) should, under the circumstances, take another opportunity of asking his Question?

MR. BUTLER-JOHNSTONE said, he would beg to ask the First Lord of the Treasury, with reference to the detention of the Danish Iron-clad in the Clyde, Whether, following the course adopted at the commencement of the Italian War and at the outbreak of the American Rebellion, it is the intention of Her Majesty's Government to advise the issue of a Royal Proclamation in regard to the Danish war? There was no doubt, he said, of the fact of war. Whatever character might be applied to Federal execution in Holstein, the moment the German Powers invaded Schleswig a state of war ensued between Denmark and those Powers; and in order to set the matter entirely at rest the invasion of Jutland completed the position of war. What, then, was our condition? We were not a belligerent. Were we neutral? Until the proclamation issued we could scarcely be said to be neutral. We might be termed quasi-neutral. How could we ascertain our exact position? The best way was by listening to the utterances of the responsible Ministers of the Crown. Those utterances were neither feeble nor ambiguous. They were told by the noble Lord at the head of the Government that the invasion of Jutland was an aggravated outrage on the part of the great German Powers. Arguing from such language they could only come to the conclusion, upon the grounds of a pretty wide induction, that Her Majesty's Government were animated with the most pacific intentions, and had not the least possible intention of going to war in favour of Denmark. If that was the case, why was there delay in issuing a Proclamation such as was issued at the commencement of the Italian war and at the outbreak of the American hostilities? It had been suggested that Her Majesty's Government, having taken Denmark under their protection, and having in despatches made use of threatening language towards Germany, it would be rather a tame conclusion to allow all their ardour to evaporate in a Proclamation of neutrality. That argument betokened a sense of honourable shame and an appreciation of the ridiculous on the part of Her Majesty's Government. There were still more important considerations, however, which ought to outweigh such considerations as those. The country had become rather accustomed to this kind of conclusion of diplomatic negotiations. We had a negotiation with Russia conducted on a large scale. It was ushered in with pomp and circumstance. There was a good deal of threatening language, and consequences were denounced against Russia if she did not take the advice of the English Minister. The advice of the English Minister was neglected, and the only consequence was the writing a short, pithy, and sarcastic note. The country would not, therefore, be particularly shocked if the Dano-German negotiation ended in a Proclamation of neutrality. There were important reasons why the Proclamation should be issued. The noble Lord the Foreign Secretary was rich and fruitful in expedients. When one expedient failed he was never at a loss for another. What guarantee was there that when he had utterly failed in the attempt to coerce and threaten Germany he might not turn round and threaten Denmark—and what security was there that the Channel Fleet, as to the destination of which the Secretary to the Admiralty knew nothing the other night, might not be sent to Copenhagen to assist our German allies. There might be grave reasons why such a Proclamation should not be issued. But it was right to inquire of Her Majesty's Government what those reasons were, in order to know what was the position of this country; whether we were neutral or not, and whether we intended or did not intend to remain neutral. It might be said that the war was not likely to last long. Every one must hope for the calamity of war to pass away; but there was no ground for expecting that this would not last the average duration of wars, or even be dragged out beyond the average. The noble Lord seemed to think the Conference would settle the matter. But till the Conference had taken place the matter could not be settled. As it had always been customary for the Government of this country to issue a Proclamation of neutrality, he hoped the Government would tell the House whether it was their intention to issue one in reference to this war; and, if not, upon what grounds they did not issue it.

THE ATTORNEY GENERAL: The hon. Member has proposed to the Government a question so unusual that I cannot think that he is serious in asking it. I rather suppose, from the tone of the speech which he has addressed to the House, that he desires to take the opportunity of making by anticipation some remarks which, no doubt, will be enlarged when the subject of Denmark comes to be discussed. At the same time, the respect we feel for the hon. Member makes us think it right to give some answer to the hon. Member, and the answer is simply this:—It has never been the custom to issue Proclamations of neutrality in any case in which Her Majesty's Government have felt that they have a deep interest involved, pending negotiations which may or may not have the result of calling for action on the part of Her Majesty's Government. In this case, as the House is aware, questions to which Her Majesty's Government is a party by treaty are, or may be, involved in negotiations pending; and Her Majesty's Government, with a deep solicitude, are watching the course of events, and using their utmost exertions to promote that issue which is for the general interest of Europe, Denmark, and this country. Under these circumstances, it is absolutely necessary that Her Majesty's Government should reserve to themselves the power of taking any course which the honour of Great Britain and Europe may require. Therefore, to issue a Proclamation of neutrality, which is a declaration that you will remain neutral during the course of a war, whatever eventualities that war may involve, would be a most undignified and inconsistent course.

Motion *agreed to.*

SUPPLY—NAVY ESTIMATES.

NAVY ESTIMATES *considered* in Committee.

(In the Committee.)

Re-committed Resolution [reported 11th March] read, as follows:—

1. "That a sum, not exceeding £1,275,316, be granted to Her Majesty, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1865."

MR. STANSFELD: Mr. Massey—Before I address myself to the Vote now before the Committee, I would ask leave to say one or two words with reference to the unfortunate, I may almost call it the absurd, *contretemps* of the other evening. If anybody is to blame for it it is myself. It is perfectly true that I rose to address you before you put the Vote, and I believe I did address you; but you could not know that remarks would be made from this bench except in reply, and it was my fault that I did not succeed in arresting your attention. My noble Friend the Secretary to the Admiralty had nothing whatever to do with the incident.

Sir, it now becomes my duty to ask the Committee to agree to a very considerable increase in the labour Vote. This is a Vote which has always, and in my opinion rightly, been jealously watched by this House and by the country, because it supplies the Government with a means of employing a vast mass of labour, and it is a fair question to consider whether it is the most profitable and economical method for the Government to employ that labour itself or to purchase the results of labour employed in private yards. We ask for a considerable increase in this labour Vote, and I think the Committee are entitled to expect on the one hand a satisfactory explanation of the reasons which make the additional demand necessary, and on the other hand how we propose to employ it. To make this matter clear I must ask leave to go back for a few moments to the first Vote, the Vote for Men, because it is in the relation between these Votes and in their altered proportions, that consists what I would venture to call the policy of these Estimates. We have taken a Vote to cover the number of men actually borne, and the number which experience has proved to be sufficient for the actual requirements of the ordinary service. Now let me ask the Committee to consider the question somewhat in the order of reasoning in which it has been considered in point of fact by the Board of Admiralty. Let us go back to the Vote for Men as a kind of starting point; and, desirous as we are not only to maintain but to increase the real efficiency of our navy, let me put this question to the Committee as it was put to the Board of Admiralty—in what direction, within reasonable limits, should our extensions proceed? Shall they tend to an increase of men, or to the rapid construction and completion of our ships of war? Now, in the first place, before we come to the question of the construction of new vessels, I must say a few words on the subject of the repairs of our ordinary cruising squadrons—because here is a source of expense which is simply inevitable if you would deal fairly with the Committee and the naval service of the year. My noble Friend has explained to the Committee that, as it happens, there are more ships coming home to be paid off, and therefore to be refitted and repaired, than was the case in the year 1863-4. My noble Friend has also explained the fact that repairs are becoming in almost every case more extensive and more costly than in former years. The vessels of which our ordinary cruising squadrons consist are mostly screw wooden vessels. We have not lately been building vessels of that class. These vessels are becoming older year by year, their extensive and complicated machinery is becoming worn, their boilers have frequently to be taken out and to be replaced by new ones:—and thus it comes to pass that the average cost of the repairs of an ordinary cruiser is necessarily more in the coming, than it has been in recent financial years. Besides this, as my noble Friend has also explained to the Committee, there is hardly a case of repairs in these days which is to be considered as a case of repairs simply. We pay more attention to the comfort and health of our crews, and our notions of internal ship architecture progress so rapidly, that there is hardly a case of repairs which does not involve some improvement in the construction and fitting up of the ships we are repairing. The Committee, therefore, may take it for granted, not only that there are more vessels to repair, but that the average cost of those repairs is, for these reasons, necessarily and inevitably increased.

But there is another reason which I specially desire to bring before the attention of the Committee. In the course of the vacation I made it my business to visit and spend some time in the various dockyards under the management of the Board of Admiralty. I was specially commissioned to revise and complete instructions for a system of our dockyard accounts; and besides that I went on a kind of self-imposed roving commission to inquire into all matters that might arise, and which I might think to be of interest, more especially as I found myself embarked in the part management of what I may term a great business, of which I happened to be at the time as ignorant as it was possible for a man to be. I now desire to communicate to the Committee what were the impressions of a new mind upon these matters. Nothing struck me in the management of the dockyards more than the frequency with which what was called the Controller's programme was, apparently unavoidably, interrupted and interfered with. The Committee are aware that the labour Vote is based on the Controller's programme. The Controller intimates to the Board of Admiralty the nature and amount of the work in the dockyards in the forthcoming year, and he makes demands in reference to labour and the wages which are to be paid for that labour. Well, Sir, I do not know whether it be because the amount of the Vote is so large, or because sometimes one does not like to look things that are not altogether pleasant, in the face, but it seems to have frequently happened that the Controller's programme has not exhaustively anticipated the work which ought to have been in our calculation, and provided for in the Estimates for the dockyards; and so it has come to pass that, when we had in the dockyards a certain force of men employed in the construction of ships of war which we were desirous should be proceeded with, some sudden emergency has arisen, some repair of a ship has suddenly become absolutely essential, and we have had to take off some portion of the men employed in building operations in order that something else necessary to be done should not be neglected. I think that every person acquainted with business will be satisfied of this—that nothing can be worse economy than not to realize the amount required for labour in the labour Vote; it is not economy not to look this matter in the face, and not to make provision for that which you ought to know is necessary for the service of the year. This is one reason why I submit to the Committee that it is absolutely essential, unless we were to resort to an expedient which I am sure the Committee would not approve — I mean that of meeting an excess on the labour Vote by a possible surplus on other Votes—if we are not to resort to that expedient, it is my duty to say to the Committee, that it is essential and inevitable that we should spend more in the coming year in the ordinary repairs of ships than was estimated for in the last financial year. The real efficiency of the navy, the Committee will understand, is to be tested by the expansive power of our force in case of any real or sudden emergency. It is a question which the Admiralty has had under consideration, whether that real efficiency is to be promoted by asking for a Vote for more men than are actually borne, and found to be sufficient, for the requirements of the time, or by spending more money in the rapid construction and completion of the most powerful and the most modern of our armour-plated ships. Now, let me ask for a moment what is our position with regard to men, according to the explanation given by my noble Friend the Secretary of the Admiralty? We have taken a Vote for numbers actually borne, and which have proved more than sufficient, for they left an ample margin for reserves to commission our ships in an unprecedentedly short time; indeed, in a shorter time than was necessary to put the stores on board, and get the ship ready for sea. And if you look to the quality of the crews, whether you look to the number of continuous service men, whether you look to the number of seamen, gunners, and the men trained in gunnery, I think I may safely say there never was a time in the history of this country when the *personnel* of the navy stood so high, and so deservedly high, as it does at the present day. And when, in addition to this immense and this incomparable force, you add the coast-guard afloat and on shore—a force which is organized to be ready to embark within twenty-four hours in case of need—and the Naval Reserve and the Coast Volunteers, I do not think it can be argued that the condition of the navy with reference to men is not, for the immediate requirements of the time, eminently satisfactory. Then, if we turn from men to ships, can we say the same of our shipbuilding operations? If a sudden emergency were to arise, on board what ships should we place those ample reserves if we desired to send them to sea? The hon. Baronet the Member for Radnorshire (Sir John Walsh), adopting the views and words of my hon. Friend the Member for Rochdale (Mr. Cobden), told us that to put men on board vessels like our old timber screw liners, would be like putting sheep into a slaughter-house. I do not think that any person familiar with the subject will doubt for a moment the expediency of promoting as rapidly as possible (within reasonable limits) the construction of the newest and most powerful armour-plated vessels, either for offensive or defensive purposes. But I would go further than this. We must not only give our energies to the completion of our armour-plated fleet, but the time has arrived when it will not do to take so long a time in building an armour-plated ship as we have hitherto taken. The science of naval architecture and construction changes and progresses at so great a rate, that if we take, as we have been taking, three years to build an armour-plated ship—I will not say that the ship will be obsolete when she is completed, but most undoubtedly we shall have commenced the construction of vessels which she could not venture to meet with any chance of success; while, at the same time, the science of gunnery may have made great advances. Let me refer to the case of the *Minotaur*. It was said the other night that the Admiralty had been hasty in the construction of the *Minotaur* with shallow teak backing, after it had been proved that the *Warrior* target offered a greater resisting power. Now, that statement is not capable of proof. The Board of Admiralty were compelled to make their election as to the thickness of the teak-backing and armour-plating in the month of December, 1861. If I am not mistaken the *Minotaur* target was tried in the summer of 1862. It is true that the *Minotaur* target was not a success as a target; but the Admiralty had already decided on a thinner backing, which has its advantages. And it must be borne in mind that at that time very little progress had been made in the manufacture of the thicker armour-plates, and the Board of Admiralty came to the conclusion it did, not only on the recommendation of the Armour-plate Committee, but also on the general opinion of scientific men, that the resistance of armour-plates increased in the proportion of something like the square of their thickness. The manufacture of armour-plates has very much improved since that target was tried; and considering that, and considering also the undoubted advantages of a thinner side for ships, I think the Board of Admiralty were right in proceeding with the *Minotaur*. But whether they arrived at the best conclusion or not, they exercised the best judgment in their power at the time. Probably, the greater part of a year will yet elapse before the whole of these vessels will be in commission, and if we are to rely on the *Bellerophon* target, we are already building ships which will have more resisting power than those we have yet built—far beyond the *Minotaur* and the *Warrior*. I say, therefore, it is necessary to have a little courage in dealing with this matter in these days. It is necessary for the Board of Admiralty to do that which an intelligent and enterprizing manufacturer would do, who, desirous of not being behindhand in the race, employs the newest and best machinery for his purpose, relying as far as they can on science and theory which has not yet been actually proved in the construction of vessels, and endeavouring not to be behindhand in the construction of the newest vessels of the greatest possible offensive and defensive powers. This, in fact, is what I have called the policy revealed in this Vote, and intended by the Board of Admiralty to be carried out. The *Bellerophon* is the best illustration of that policy. If we are not mistaken—for I admit that we necessarily run some risk, because we wish to be in advance and not to be left behind—she will be as rapid as the *Warrior* and *Black Prince*. She will be some ninety feet shorter; she will necessarily, therefore, be a more handy and manageable vessel; she will undoubtedly cost very much less; she will carry guns which no armour-plated vessel previously constructed could resist, and she will herself be clad in armour on which those guns with service charges have been tried in vain.

Before passing from this subject I wish to refer to Vote 10. I think it was my hon. Friend the Member for Finsbury (Sir Morton Peto), who expressed a fear the other night that the decrease in this Vote might imply a want of determination on the part of the Admiralty to proceed rapidly with our armour-plated vessels. The decrease is no doubt a very considerable one; but it is owing in the first instance to our not buying materials of which we have an ample stock, and for which the market is unfavourable, namely, canvass and hemp. My hon. Friend is aware that the price of hemp has risen, because that article has taken the place of cotton in the manufacture of linen. Now as the price of cotton is likely not to increase but to fall, it is reasonable to believe that the price of hemp will also diminish, and that is therefore a sufficient reason for deferring purchases which might otherwise have been made. What my hon. Friend of course wants to know is this—have we or have we not stinted ourselves with reference to the material that enters so largely into the construction of those vessels, of which we stand so much in need, and which we are so desirous to complete? The market for iron, I think, is on the whole rising; at any rate, we have no reason to anticipate that it will fall. We have, therefore, thought it right to buy as much of that material as it was advisable and convenient to buy. It is only, therefore, in consequence of those purchases, and of the quantity of iron which we have in stock, that the demand for new purchases next year is reduced. What we have, and what we have taken an estimate for in this Vote, will be sufficient to provide for the completion within the financial year of every iron-plated ship which has been designed.

Returning to Vote 8—the hon. Member for Sunderland (Mr. Lindsay) in his preliminary remarks the other night, expressed an apprehension that an increase in these Votes arose from a decision on the part of the Admiralty against the system of building our vessels of war partly by contract. That question, however, remains exactly in the position in which it stood before these Estimates were framed; all that the Board have done has only been to determine that, until certain heavy existing contracts are concluded, it is not advisable, except with reference to certain minor gun vessels, to enter into any new contract. The Board has never been of opinion, nor has Parliament, that it would be judicious for the country to rely exclusively upon contractors for the building of our vessels of war. It has always been held that what was most advisable was, that private builders and Her Majesty's yards should compete in the construction of these vessels; and it is for the very purpose of assisting us to decide between the two parties, that so much pains have been taken of late to improve our system of dockyard accounts. Our policy, then, has been simply this. We take a Vote for men which covers all our actual requirements, and leaves us a sufficient margin besides. We take a store Vote, which will enable us, if our labour be adequate, to complete every armour-cased vessel already designed within the next financial year. We ask for an increase upon Vote 8, in order that we may keep up to the requirements of the year with reference to repairs; in order that we may also bring up somewhat our arrears with respect to our steam reserve; and lastly, and above all, in order that we may devote the energies of our dockyards to the construction of some of the newest and, I believe, the most powerful vessels that ever have been designed. My hon. Friend knows that the *Lord Warden* and the *Lord Clyde* are timber vessels armour-plated, and constructed of such scantling that they could not be built in any but Her Majesty's dockyards; and that the *Bellerophon* takes the place of the *Achilles.*

The Committee will now naturally expect that some explanation should be given them respecting what I may term the business arrangements under which this increased Vote will be expended. The proposition that I mean to maintain is this—namely, that the dockyard accounts of the Admiralty are now placed upon a basis which will enable them to be compared with advantage with the accounts of the best private shipbuilding firms in this country. The first account to which I will refer is what is called "the expense account" upon ships. That account for 1862-3 has already been laid upon the table at a period considerably in advance of the date at which it has generally been produced. Like its predecessors, it is trustworthy as far as it goes. It originates in the workmanship sheets of labour and the notes for stores. I have myself personally traced those sheets and those notes from the time when the labour was expended, and the stores were drawn up to the moment when they were placed in the expense account; and I am enabled to state that the apportionment of the labour is carried out by the professional officers in the yards with a full consciousness of the necessity there is for accurately dividing the expenses. These workmanship sheets are kept by the Inspectors of the Royal dockyards; they are compared by the accountants of the yards with the payment of wages which takes place in the accountants' offices; they are checked, audited, and posted against the ships by the audit clerks. The stores are drawn upon demand notes, sent in by the proper officers of the yards, they are valued according to the rate-book in the storekeeper's department, and they are audited and posted by the audit clerks. But a question may arise as to the rate-books as compared with the actual cost of the stores when they are articles manufactured in the yard. The rate-books themselves are undergoing a systematic revision. In the conversion and manufacturing balance-sheets, next to the column which contains the actual cost of making or converting each article, there is now inserted a column in which there will be put the rate-book valuation on charges. It will be evident that this juxtaposition of actual cost with price charged will very much facilitate the future periodical correction of the rate-book. In the mean time, if, adding up these respective columns, it is found that there is no great difference between the totals, the Committee will see that we cannot be far wrong in the charges we have made for manufactured articles. In this account, it will be seen that there are some estimated charges. Now, as a matter of account, this is doubtless unsound. Matters of Estimate should never appear with matters of actual charge; but from the 1st of next month these items will be eliminated, and all labour in the manufacture or conversion of articles will be charged *pro ratâ* in the repairs of the ships. The cost of establishments, in like manner, and the repairs of plant, will be charged and paid for. Now, I think that those hon. Friends of mine who have experience in business transactions, and are enabled to judge of accounts, will admit that an expense account, constructed in the manner I have described, would be both trustworthy and exhaustive. I now pass on to the manufacturing balance-sheets. There are no accounts more difficult than these to produce in a satisfactory and easily intelligible form, because they deal with the production of articles which, though they go by the same name, are seldom absolutely identical, and which differ in dimensions, material, and finish. Nevertheless, I agreed with the hon. Member for Glasgow (Mr. Dalglish), when he expressed an opinion last year that our manufacturing balance-sheets were capable of improvement and simplification. The manufacturing sheets of 1862-3 are being tabulated and revised, so that they will be much simplified and reduced in bulk, and I believe that when they can be placed on the table they will be found to be as easily intelligible as the nature of the operations to which they relate will admit of. But there was after all something which I thought the House felt to be wanting in the dockyard accounts, and which these expense accounts could not furnish. The Finance Accounts of the year showed what proportion of each Vote was expended; but we had not yet had any accounts which showed the actual expenditure which took place in the Royal dockyards for labour. In the new accounts, which I have termed "labour chart," I present that information to the House. Those accounts show every farthing of our large expenditure for labour in the dockyards as attested by the accounts of each yard; and every farthing is distributed amongst the various ships or services upon which the labour was bestowed. It is an infallible and exhaustive balance sheet. If any hon. Member will take the trouble to add up the perpendicular columns, he will find that they represent the total payments for labour; and if he will add up the selfsame figures in the horizontal lines he will see that the amount is accurately apportioned to the ships upon which the labour was employed. But this is not the whole purpose of these accounts. Their object is not merely to show a certain amount of money payments, but they exhibit, as it were upon a map, the fullest explanations which the nature and variety of the operations will permit. I venture in fact to submit that they contain an unprecedented amount of information; and if my hon. Friends will take the trouble to study them, they will find it in as intelligible a form as the complexity of the operations will allow. The columns relating to cost of materials formed no part of the original design, but were added for the use of the Controller's department; and here I must give my hon. Friends a caution, or they may otherwise fall into an error. They will find that in some cases materials are charged twice over; but that arises from labour being expended in the manufacture of an article, and the article itself being used in the building or repair of ships in the same financial year. These possible inaccuracies will be remedied, and the value of the raw material consumed in the course of a given period will be made clear in connection with a new account with which we are about to complete our system of dockyard accounts—I mean a stock account. On the 1st of next month it is our purpose to take stock in all our yards, and hereafter a continuous account will be kept, both as regards value and kind. It was originally intended to conduct this operation in October last, but it was found more convenient to defer it till the beginning of the next financial year. The time, however, has not been lost; it has been occupied in the improvement of the ledger classification of our stores, and in so arranging our receptacles as to facilitate the operation of stock-taking when the time came. It will be quite unnecessary for me to make any remarks to justify the step which we are about to take. No business man will for a moment hesitate to say, that whatever may be the difficulty or the cost of such an undertaking, it is most essential to the economical management of a large business to take stock and to keep a stock account. The Finance Accounts of the year deal, and properly deal, with the Votes which have been granted in that year, and they are necessarily concluded with the financial year itself; but I have never been able to understand why expense accounts should not be brought down to the latest possible day, as materials for the formation of judgments which it is the business of the House to form. The labour charts, to which I have been referring, have, by a considerable and praiseworthy effort of the audit clerks and the accountant officers, been brought to the end of the natural year 1862-3; and although the accounts for the last nine months have not yet been distributed amongst hon. Members, it has been solely in consequence of the difficulty of getting them printed. I hope they will be ready in the course of the next week. The expense accounts for the year 1863-4, to the last day of the present month, will be laid on the table of the House before the close of the present Session. From that day the labour charts will be incorporated with the expense accounts; and with the manufacturing balance sheets, they will be brought down to the end of the last natural year. I do not know what may be passing in the minds of some of my hon.

Friends. If any of them may be inclined to say, "Is this all in the way of progress and improvement that the Admiralty is enabled to show? Why this is nothing but a matter of accounts;"—most undoubtedly such a feeling will not find a place in the mind of any man accustomed to large mercantile and manufacturing operations. No large business was ever profitably or even safely conducted for any length of time, which was not based upon an accurate and exhaustive system of accounts. But if this is true of private undertakings, how much more true, I ask, must it not be of a great Government department like the Admiralty, which has shipbuilding and ship-repairing establishments scattered around our coasts, and in all quarters of the world, and which has no guide to control it like the simple, self-acting principle of profit and loss? Accounts such as these, if scrutinised in the dockyard and Controller's department, will keep alive in the minds of our permanent officials notions not only of the perfection and utility of the operations in which they are concerned, but notions also of their cost. An illustration occurs to me of the utility of such accounts, arising even since these papers were laid on the table of the House. I have said that the manufacturing accounts require considerable simplification. They have already done us good service, in having given rise to some valuable suggestions on the part of the hon. Member for Lincoln (Mr. Seeley), and it is our intention to avail ourselves of those suggestions. That hon. Gentleman, in addressing his constituents a short time before the meeting of the House, drew a comparison between the cost of forging and casting in the Government dockyards and in private establishments. The hon. Gentleman stated that we paid for labour upon one cwt. of metal cent per cent more than in the establishment of his own firm. My hon. Friend, however, acknowledged that there might be circumstances to account for so large a discrepancy; and upon that point there could be no doubt whatever. For instance, if the operations of my hon. Friend consisted mainly in the production of an identical article—identical, that was to say, in size and mould—it would be easily understood that even a difference of 100 per cent was not more than might be expected. The hon. Gentleman said it was matter for inquiry and reform. I quite agreed in that observation; and accordingly on the first day of the Session I went to my hon. Friend and said to him, "Here is one purpose of these accounts fulfilled in this instance. We welcome your criticism as a necessary adjunct of our system. We will probe this matter to the bottom; and will endeavour to arrive at some conclusion. If we fail, I invite you to come down to Chatham, or some other department, and endeavour to solve the problem there. If we do not succeed there, you must take us to your works, and see if they will throw any light on this system. We will either show that your figures are incorrect or capable of explanation, or we will reduce the cost of our operations, or else we will purchase at private factories these articles which can be more cheaply bought than made.

Well, Sir, this brings me to a large and important question—that of the organization of labour in Her Majesty's dockyards. I have made it my business, during the vacation, not merely to spend a considerable time in Her Majesty's yards, but also to visit, so far as time and opportunity permitted, some of the largest shipbuilding establishments in the country. I have examined the Thames and Millwall works, and I have also been to those with which the name of the hon. Member for Birkenhead (Mr. Laird) is associated; and I should not be doing justice to these great establishments if I were not to say that they are, as manufacturing establishments, an honour to the country. Whether with reference to the extent of their operations or to the quality of the workmanship they turn out, they are well worth the study of any Member of a Government Department, and are capable of affording suggestions which may be usefully adopted in the public service. Now, the first thing that strikes an observer on entering these private shipbuilding yards is the greater appearance of bustle, and the apparently greater pace of work—it seems as if the work went on at a more rapid pace. This difference is partly apparent and partly real. It is apparent only for this reason—that the private yards are much more cramped and confined than public yards. Men work together more like bees in a hive. This is not so much noticed when the men are on board ship; and I do not think even the experienced eye of the hon. Member for Birkenhead would have seen much amiss in this respect on board the *Achilles* when she was in the course of construction at Chatham. But undoubtedly there is a considerable and real difference in the pace at which labour goes on in these private establishments. There is in these private yards a principle of organization which accounts for the greater haste of work. The men are paid as much as possible by what is called piecework. For daywork shipwrights, or men occupying an equivalent position, expect 7*s.* a day, whilst by piecework they generally make 9*s.*—that is to say, for every day of work they expect to get a quarter of a day more by piecework. There is one undoubted advantage about this system —more work is got out of the same number of men. But then you do not get that advantage for nothing; you pay more for your men in the private yards than you do in Her Majesty's dockyards. The shipwrights in Her Majesty's yards get 4*s.* 6*d.* a day, to which another 6*d.* may be added for the value of their superannuation. My own opinion is that while, on the one hand, it would be unwise to throw away the positive advantage of a moderate minimum establishment of men, moderately paid, upon whom we can rely at a time of pressure, and when the labour market may offer peculiar temptations ; so, on the other hand, it is well worth consideration how far, and under what circumstances, the Admiralty may take a hint from the private yards. If a time of pressure should arise, I see no reason why the Admiralty should not act upon the private yard system in the construction of the frames of ships, which are easily estimated for with reference to labour ; and, indeed, in the case of the *Lord Clyde,* built at Pembroke, they have already adopted the system to a certain extent by the payment of "encouragement money," based upon the amount of work done. I believe that the system now pursued in private yards is mainly due to the change from wooden to iron shipbuilding, and, so far, the Admiralty have not allowed themselves to be left altogether behind. Many changes in the organization of labour in shipbuilding have been adopted by the Board of Admiralty. Considerable experience has been gained in the building of the *Achilles,* and too much praise can not be bestowed upon the late master shipwright at Chatham, for having relinquished the old plan of having twenty men in a gang, with one or two to lead them, and an Inspector, and having adopted a more economical system. But the Board of Admiralty have been so desirous to avail themselves of any improvement, that I should like to state, that in the appointment of a successor to Mr. Lang, the gentleman selected was recommended by the Controller, and chosen by the Board, expressly on the ground that his long experience in building iron ships qualified him for importing into the Royal dockyard at Chatham the knowledge which he had gained in the private yards of the country ; and the first instructions given to this gentleman have been to consider and report as to any modifications which his experience and knowledge can suggest, and any modifications thus suggested will be brought to bear on the construction of the *Bellerophon,* which is to succeed the *Achilles* at Chatham. I may here mention that the charge for labour and materials in building the *Achilles* will be carried into account with reference to certain well known shipbuilding sections ; so that the cost may be computed section by section, and compared with the cost of a similarly built vessel in the private shipbuilding establishments of the country. There are two respects in which the Board of Admiralty has lately introduced considerable and important changes in the system of organization of labour, and as they bear relation on the one hand to the whole system of organization in the shipbuilding department in each yard, and also to the department of the Controller of the Navy, I will briefly state the nature of these changes. As the Committee is aware, the organization of shipwrights' labour in the dockyards consists of gangs of twenty men, over each gang is a "leading man," over three or four leading men is an "Inspector," and over the Inspector is a "foreman," who is responsible to an assistant master shipwright, and he in his turn to the master shipwright himself. This is an extremely elaborate system as some people think—too elaborate and too costly. Certainly, in the construction of iron ships we have found it possible to dispense with some portion of so costly a system. But although this is the system in the dockyards, arising from the desire for securing fidelity of operations and accuracy of accounts, this elaborate organization has come not to be exclusively employed for its direct and proper function—namely, the insuring a full day's work for a full day's wages. Stores, for example, may be wanted for the construction or repair of a ship, and the man who should be leading the gang, may be away drawing these stores, and the Inspector may be down in his cabin making entries of the accounts of the men's labour in his books. Now, if I have leading men, I mean to insist that the leading man shall himself be at work, and leading others to work; if I have an Inspector, that Inspector is never to lose sight of the men he has to inspect. The Board of Admiralty has taken the same view, and I have to state to the Committee that other arrangements have been made for the drawing of stores, and for carrying this labour to account, and that orders have gone down that the leading men are not to leave the gangs at work, and the Inspectors are not to lose sight of the men. This may appear a simple and a small matter, but it is one of great importance in point of economy and management. Besides this, there is a system of check measurements. The task and job system has been given up, and a plan is in use of measuring the work of the gangs of men in order to ascertain whether a fair day's work has been done. About a quarter of the work done in each yard is thus measured. Some people think that this system of check measurement takes away the responsibility of the Inspectors as to the quantity of the work; they call it the "crutch" of the system. Others think that it stimulates the labour of the men, and they call it the "whip" of the system. Perhaps it may be sometimes a crutch, and sometimes a whip, but my opinion is that too much reliance has been placed upon it, and that it does in some cases tend to diminish the sense of responsibility of those who have control over the men. But if I had any doubt as to the advisability of a system of measurement in the yards, there is one place in which I entertain no doubt that such a system should be brought into operation, and that is the department of the Controller of the Navy. This officer has the supervision of all the yards, who makes his demand for labour on us, and who ought to see to the economy of the operations consequent on his orders. This view has also been adopted by the Board of Admiralty. They propose to introduce a new officer into the Controller's Department, but that change will not occasion any additional cost to that establishment. They propose to give the Controller an officer, to be called the "Valuer and Inspector of Dockyard Works." This officer will have to place himself in relations with the Audit Department of the yard; he will take in hand the labour accounts which I have endeavoured to-night to explain to the Committee, and which will be produced every month for the use of the yard and of the Controller's Department. It will be his special duty to check the estimates of work before it is undertaken, and to test the economy of the operation when completed; he will ascertain the reasonable charge, and see that it was adhered to, or know the reason why. The purpose of that new arrangement is the introduction into the Controller's Department, on which depends the whole management of the dockyards, of the business and economical element by the side of the scientific and constructive element. These reforms will be made to pay for themselves, and the requisite staff will be obtained by taking measurers from the yards without any addition to the total expenditure.

I have detained the Committee for a long time with a very dry statement, as I have been anxious to explain these matters fully; but the objections that have been taken to dockyard management have been business objections, and they have to be met, as far as they are well founded, by business arrangements. I must say, that in questions of administration like this I feel little confidence in what are called sweeping changes, when they are the product, as they sometimes are, of impatience of thought rather than of a close and laborious investigation. But the changes I have described, although simple, are not trifling, and although fundamental, I believe them to be practical and safe. At any rate, I will say this to the Committee—that they are the results of a patient, a careful, and a long-continued investigation—that they have received the ample consideration of the Department of the Controller and of the Board of Admiralty itself. And if I rely on them to produce good economic fruit in the future management of our establishments, I do so because I know that I can rely on the choice of instruments to carry them out, and because I have the assurance that I can also trust to the zeal, the determination, and the incessant watchfulness and care of those permanent officials upon whom, after all, rests the responsibility and depends the successful management of these great departments.

MR. LINDSAY said, he regretted that the very frank statement just made by his hon. Friend had not been delivered before the House went into Committee, because it had touched upon many different points, into which, by the rules of the House, it would be impossible to follow him. He told them that the Admiralty had now got—what they ought to have had long ago—a good system of accounts; but, as far as the House was concerned, the accounts still disclosed very little information. The labour chart told them, for instance, that £50,000 had been spent in labour and materials upon the *Achilles*, but it did not say how the money had been spent. "Expended in plating," &c., was information of too limited a character to enable the House to see whether the money had been spent wisely or not—whether value was obtained for the outlay. As far as he could judge, even with these improved accounts, they would not be able to get at what was the cost of a ship. His hon. Friend spoke of a system of percentage which was to be introduced into the accounts, to show the actual cost of a ship under the various heads of expenditure; but he said nothing of the interest of the enormous sums sunk in the dockyards, or of the depreciation of the stock constantly going forward, though these were items important to be borne in mind when they sought to draw a comparison between Her Majesty's dockyards and private yards. Again, there was insurance; for, though Government did not insure, the public were bound to rebuild whenever a fire broke out. His hon. Friend laid stress upon the system of inspection which was to exist in future. Why, he always thought there had been inspection, and if not there ought to have been. There was a large staff in the dockyards, who should have performed the duty of Inspectors. What were these new Inspectors to do? Were they to relieve existing officials from portions of their legitimate duty, which consisted in seeing that the men performed their work economically and well, or were they to superintend the Admiral, Superintendents, and other principal officers of the dockyards? One of the points most strongly noticed both by the Committee of 1859 and the Royal Commission was that men in the dockyards, unlike those in private establishments, seemed to aim more at how they could get over the day than at the amount of work they could get through in the day. The reason was that they were employed at day instead of at piece-work; and his hon. Friend, far from giving the men in the dockyards the same inducements to labour which they had elsewhere, never touched what he would call the root of the evil. Both the Committee and the Commission also said that ships cost in Her Majesty's dockyards three times as much for labour as in private yards. They furnished details as to eight corvettes, and told them that the actual cost for labour, when fitted for sea, amounted to £8 13*s*. 10*d*. per ton, whilst similar vessels were built in private yards for £2 16*s*. per ton. His hon. Friend, instead of entering into details, should have told them what changes had been made in the dockyards since that time to enable them to construct vessels more economically and efficiently. At Pembroke it was found that the cost of constructing hulls, labour, and materials was £33 5*s*. 5*d*. per ton, exclusive of fittings, and of £350,000 spent in one year upon plant; and it was found also "that the management of the dockyards was most inefficient, arising from the defective organization of subordinate departments, and from the want of clear and well-defined responsibility." The Royal Commissioners wound up their Report by recommending that iron shipbuilding should not be carried on in Her Majesty's dockyards. It was, indeed, agreed that one iron ship should be built at Chatham, to enable the Admiralty to check the charges of private building yards. He did not, however, think that after all they would be able to get at the actual cost of the *Achilles*. Although the House had agreed to the building of one ship as an experiment, they certainly did not contemplate that the Admiralty would become iron shipbuilders on a large scale; but the whole tendency of the Estimates and statements submitted to them was, that the Government wished to be, as regarded the building of both wooden and iron ships, altogether independent of the private shipbuilding yards of the country. He believed the time would come when the Government might require all the energies of the private shipbuilding yards; and if they were not employed in time of peace they might not be found available in time of war. The work should be divided as much as possible between Her Majesty's dockyards and the private shipbuilding yards. His hon. Friend had not shown that the work could be done in Her Majesty's dockyards at the same cost as in private yards; if that could be done there would be no need for the 3,700 additional men now demanded. His hon. Friend could not deny that the work turned out of private yards was excellent—quite as good as anything they could turn out of Her Majesty's dockyards: he was bound, therefore, to show that it could be turned out as economically and as efficiently. With the view of testing this point he should move that the Vote be reduced by the sum of £244,979, the increase which was required for 3,700 additional men. He should go to a division unless the Government showed that they were justified in asking for extra men upon the ground that they could build as cheaply, efficiency always considered, as was done in private yards.

Motion made, and Question proposed,

"That a sum, not exceeding £1,030,337, be granted to Her Majesty, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1865."—(*Mr. Lindsay.*)

SIR FREDERIC SMITH must say that the objections which had been made by the hon. Member for Sunderland (Mr. Lindsay) to the accounts were very unreasonable. A great deal had been done to simplify the accounts, and to furnish valuable information to the Committee. The hon. Member complained that they were not told what was the cost of a vessel; but before he objected to the Vote for wages to the artificers, he ought to be able to show that the *Achilles,* which was built in the Royal dockyard at Chatham, was built badly or at too costly a rate. If the hon. Member has seen the *Achilles,* he must know that her workmanship was as perfect as that of the *Warrior* or the *Black Prince.* She had been constructed with the utmost care and on admirable designs; but the test after all would be that of wear, and it must be borne in mind that £51,000 had been already expended in repairing the *Black Prince;* and he did not think that anything of the kind would be required in the case of the *Achilles.* The hon. Member objected to the want of inspection; and complained because the Government were about to employ a valuer. The officer to be so employed was not to be an Inspector, but as he had said a valuer; and the two things were quite different. The system of inspection already was perfect; for a gang of ten men they had a "leading man," and they had, moreover, an Inspector who inspected every three gangs; and beyond this there were foremen and assistant shipwrights and a master shipwright. The Government, however, were determined to have something more than that, so that they might be enabled to know whether they got value for the money expended, as well as good workmanship. The Inspectors are responsible for the quality of the work, as the valuer would be of its quantity; and therefore a valuer was to be appointed to go over the work. He (Sir Frederic Smith) believed that this would be a very useful appointment provided the Government appointed a fit man for the duty. The hon. Gentleman (Mr. Lindsay) objected to vote the cost of the extra workmen; but surely, when he did so, he could not have attended to what had been said on a previous occasion by the Government, that these workmen were wanted chiefly for the purpose of repairs which had not been carried out last year? He should like to know how these men would be introduced into the service? Would they be taken on by order of the Controller, or hired by the superintendent of the yard when required? His hon. Friend the Member for Liskeard (Mr. Bernal Osborne) introduced a change in the practice, by causing a notice to be stuck up at the dockyard gates that a certain number of men were required; they presented themselves, and, if found eligible, were employed. That was a most wholesome system. It prevented jobbery, and he hoped it would be adhered to. The hon. Member for Halifax had fixed the wages of the shipwrights at 4*s.* 6*d.* a day, and his estimates gave 6*d.* more for superannuation; but if he had consulted an actuary he would have found that the superannuation would have amounted to only 3*d.* more on the day, and therefore the whole value of each shipwright's advantages would only be reckoned at 4*s.* 9*d.* a day. The joiners in the Government dockyards were much underpaid at 3*s.* 10*d.* a day; if the same hands were employed by private persons they would get 6*s.* a day, and yet the hon. Member for Sunderland expected to get as much work out of them for the 3*s.* 10*d.* as if they were paid 6*s.* a day. With respect to the work done by the men, the hon. Member for Sunderland said there was no appearance of bustle among the men; but he (Sir Frederic Smith), when he went on board the *Royal Oak,* in company with Admiral Fanshawe, found out what it was to be in a bustle. Bees in a hive were never more industriously at work than was the swarm of men who were toiling there. It was hardly fair, however, to say that the work was costly. The hon. Member for Halifax had omitted to state that there were dockyard measurers who measured the work of the joiners and shipwrights, and if they found the proper amount of work not done the men were mulcted of part of their pay. That was fair enough. But, on the other hand, if any men were found to have done more work than the regular amount required, they did not get any allowance for the overwork. The hon. Member for Halifax took credit for having proceeded with the *Minotaur*, even though there was an opinion that she was constructed on a wrong principle. He (Sir Frederic Smith) found fault with the Admiralty that they built their ships first and tested them afterwards. The *Minotaur* was inferior to the *Warrior*, and probably to the *Bellerophon*. He hoped the *Bellerophon* would prove a good vessel; but the *Bellerophon* target was not tested with a full charge of powder, and it was the duty of the Admiralty to have tested to the utmost the resisting power of the armour-plating intended to be used for the security of a ship before they applied it. It was said that the *Bellerophon* target was a copy of a target invented by Mr. Chalmers, and if this man showed the way to make it, he was entitled to receive some reward. He (Sir Frederic Smith) was told that the construction of this target cost Mr. Chalmers £1,650, and that he was a poor, but clever man, and it was greatly to the credit of the hon. Member for Finsbury (Sir Morton Peto) that he had assisted Mr. Chalmers with the money to make this target. It was, however, stated that the £1,250 advanced by the hon. Member had been returned to him; and, if this was so, the poor man who invented the targets was equally entitled to receive the £400 or £450 which he had spent out of his own slender funds, and which was of the greatest importance to him. He knew that his noble and gallant Friend the Secretary of the Admiralty was daily beset by inventors, who consumed a good deal of his time; but if the noble Lord would have the charity to look into this question, and see whether the poor man had a right to anything or not, he believed he would generously recommend the Department to give Mr. Chalmers what he was entitled to. The next point on which he would wish to know something was as to the system of construction which was being adopted under the auspices of the new Constructor of the Navy. It was said that the new Constructor was a man of great science. No one had a greater respect for science than he (Sir Frederic Smith), but he must say that in shipbuilding no amount of science would be equivalent to a fair share of practical experience. No doubt, in the course of time, the scientific man, if he wished, could also become practical; but at present, as neither his noble Friend nor the Controller was either a constructor or designer, the future navy depended on the talent of a man who, unfortunately, had not actual experience to guide him. They were told that the *Bellerophon* would be faster, though she was 100 feet shorter than the *Warrior*. It would require a large amount of science to convince him (Sir Frederic Smith) of the truth of this assertion, unless the lines of the ship were to be made sharper; and if this last was to be the case, he could not see how she could carry heavier armour, or perform another thing that was promised—throw a heavier broadside than any other vessel in the British navy. Parliament ought to know the truth. They were about to devote a large sum of money for shipbuilding, and ought to know what kind of a ship was about to be built, and how she was to carry the heaviest armament known. He should like to know whether his noble Friend was driving at speed or at thickness of armour, or at a combination of both. His noble and gallant Friend said that he was about to build gunboats protected by armour-plating to the water-line. Was not their armour to go below that line, and, if not, what was to protect the lower part of their hulls when they were engaging to windward? He would rather see the armour-plating extending below the water-line and tapering off towards the top. General actions on land were not fought with the men protected, and we should sacrifice too much if we attempted to make our ships proof against shot. To do that we must have slow heavy vessels. If we could keep out shell it was as much as we ought to attempt. It would be better to let a shot go in at one side and out at the other, than to load a vessel with a weight of armour which she could not carry in bad weather. Had the Government made up their minds which was the best armour? If not, he hoped the *Bellerophon* target would be thoroughly tested at once. If that were not done, there would be a risk of our again spending a large amount of money in the least useful manner. The hon. Gentleman opposite had told them that task and job work was given up. No doubt, that work done on that system was some times indifferently done, but with a system of measurement there was a security that they obtained the work for which they paid. He could not assent to the proposed reduction of the Vote. If the Government assured the Committeee that these men were required for the repairs of vessels coming home, and to aid in the construction of new vessels, they must make the statement on their own responsibility, and for this reason he would give them his support

SIR JAMES ELPHINSTONE said, that as the hon. Gentleman the Member for Halifax (Mr. Stansfeld) who introduced the discussion by an able statement, had said that it would be impossible to keep to the Vote before the House, and accordingly travelled over a great many questions in like manner, he (Sir James Elphinstone) should go beyond the question, with a view to criticize some of the policy of the Government indicated by it. The noble Lord the Secretary of the Admiralty and the hon. Gentleman took credit for having an overflowing exchequer of men, and the noble Lord had more than once boasted of being able to man a ship within twenty-four hours. But the noble Lord did not tell them how many ships he could man within twenty-four hours; nor had he stated how many men there were now in reserve. Could he send five ships of the line to sea? He believed it was a fact that the Admiralty had been calling upon the coast-guard, and that on board some of the coast-guard ships no crew remained but the stokers. The reduction of 2,000 boys required explanation. He was told that those boys had never existed, and, therefore, could not be reduced. As to the Royal Naval Reserve, the noble Lord and the hon. Gentleman took credit for that force; but the Committee must bear in mind that the Naval Reserve, to which he intended at a future time to direct the attention of the House, could only be called upon after an actual declaration of war, and, therefore, could not be relied upon to man our fleet at this time. Then came the question of the iron-plated fleet. They had had an able exposition of the budget of the Admiralty; but the Committee had not been told what were the classes of ships which were in future to form the navy of this country. At present, we had the most heterogeneous collection of vessels it was possible to conceive. Two or three pairs of ships might effectually work together, but of the rest no two were alike or of a sort; and in a most extraordinary document which had appeared in *The Times* respecting the projected construction of iron ships, and which was supposed to emanate from the pen of the Constructor of the Navy, there certainly were not two ships of any sort which bore the slightest resemblance to each other. It was true, as the last speaker had said, that speed could not be combined with reduced length, nor capacity with diminished beam. It was very doubtful how the proposed heavy guns could be carried. Broadside guns must be cast loose at sea; but with the artillery that it was now proposed to place in our ships it was impossible to do this—no 15-ton gun could be cast loose at sea. Therefore, if enormous guns were to be used, they must be carried in turrets or by means of some other mechanical arrangement. The hon. Gentleman had not only given the Committee no programme of the classes of ships, but he had made no statement of how these new ships were to be rigged. The present mode of rigging was really lubberly. They were under-masted, the yards and rigging clumsy, and the masts were so far apart that it was impossible to support them with braces; and the ships were deprived of the studding sails, which in large ships were most effective and powerful. The statement of the Government was defective in not referring to the class of swift cruisers like the *Alabama*. If we had not had a Government that was willing to accept any indignity rather than go to war, this country would have been now engaged in hostilities, and in that case we should have no means of protecting our commerce against such vessels as the *Alabama*. It would be necessary, in the event of war, to place a brace of ships at every focus of our commerce in the world—at the Azores, at the Gut of Gibraltar, at the Cape of Good Hope, to the eastward of New Amsterdam; in the China Seas, in Torres Straits, and other positions. It was said the six gunboats were to be built upon some unexplained principle; but nothing was said of the class of swift cruisers which would be required to protect our commerce in time of war. The noble Lord had spoken of the gunboats of the *Lively* class, that they had gone to the East Indies and to all parts of the world. It was possible for a vessel to go to the East Indies without reefing topsails if she went at the right season. He believed that some of these gunboats did get out to the East Indies in five months, and others took eleven months for the voyage. The best plan would be to take the engines out of the gunboats and put them on board new hulls constructed for speed with double screws, and thus they would get rid of a large number of useless vessels for a smaller number of handy vessels. With respect to the accounts he could not say much, except that he believed every chip and rope yarn in the dockyards was accounted for. He did not believe that improved accounts would get rid of existing evils, which were rather to be traced to the policy pursued by the Admiralty. More money was wasted by one ill-devised ship than by all the imperfect accounts ever discovered. The scheme of accounts of the hon. Gentleman seemed to him much the same as that introduced by Sir Robert Seppings, and which Sir James Graham swept away as too complicated and elaborate. In conclusion, he wished to observe with respect to the joiners in our dockyards, that they were called upon to perform work of the neatest description, that they worked with very delicate tools, and that, inasmuch as their outfit at the commencement cost £25, the loss of those tools, which were liable to be made objects of theft, was to them matter of serious consequence. That being so, the wages which those men received were quite inadequate to their position, and the Government would, he hoped, take their case into consideration.

Mr. SEELY, referring to the item of £38,450 for police divisions, while admitting that it was necessary that there should be some persons employed to watch our dockyards, thought the sum asked for in the present year for the purpose, amounting as it did to nearly £40,000, was too large an expenditure in connection with the single item of police. Comparing that expenditure with the amount required for the performance of similar duties in private yards—for example, in that with which he was connected, where they employed 950 men, at a cost for guarding and watching of £75 per annum—the sum, he must confess, appeared to him to be preposterously high. He was not, however, prepared to make any Motion on the subject this year, but unless some explanation of the amount was given next Session he should certainly move the reduction of the Vote. The hon. Member for Halifax (Mr. Stansfeld) had alluded to a statement which he (Mr. Seely) had made with regard to cast iron forgings. In 1860-1 the Government manufactured 92,818 cwt. of iron forgings, at a cost of 13*s.* 7¾*d.* per cwt., making £63,360 4*s.* 6*d.* His firm paid 7*s.* 3½*d.* He was speaking of the labour only. Now if the Government had manufactured their forgings at the same price as they were manufactured at Stamp End, instead of £63,000, the cost would have been £33,000, being a saving of £29,000 in that one article alone. In 1861-2 the Government manufactured 57,712 cwt., at a cost of 13*s.* 8½*d.*, amounting to £39,545. His firm at Stamp End paid 6*s.* 9*d.* per cwt., so that if the Government had manufactured at the same price, instead of £39,540, it would have been £19,718, or a saving of £19,826. Of iron castings the Government manufactured 32,269 cwt., at a cost of 4*s.* 0¼*d.* per cwt. —£6,487 8*s.* 3*d.* for labour only. His firm paid 1*s.* 7½*d.* There were also the items of iron and brass casting in which the results were very much the same, the expenditure of the Government being about twice as much as that of the private yard. His hon. Friend the Member for Halifax had met the point very fairly, observing that the Government had no interest in paying that increased amount, and that if they had done so it was because they were ignorant of the value of the work done—a remark which would be equally applicable to hon. Gentlemen opposite did they happen to be in office. But while he admitted the fairness of that excuse, he must complain that there were not placed at the head of each department in our dockyards men who knew the value of work, and who had been accustomed through life to deal with large bodies of men like our artisans. In every private firm the object was to mass the men together, that the eye of the foreman might be over them, and this should be done in the Royal dockyards, where a proper division of labour should also be carried out. There were many Members of the House who had a special knowledge of particular subjects, and it would be well to appoint a Committee at the beginning of each Session to select Gentlemen of this character to examine the various accounts now submitted to the House, and bring their knowledge to bear for the service of the country.

Mr. FERRAND said, he was anxious to address a few words to the Committee on a subject with which he believed the

Board of Admiralty was very well acquainted—namely, the claims of the artificers employed in the dockyards. He was informed, and he believed it to be the fact, that there was scarcely a class of artificers in Her Majesty's dockyards who had not a grievance of some sort to complain of. On the 16th of October, 1861, an Admiralty order was issued of a most extraordinary character, limiting the age of the promotion of artificers in the dockyards to forty-five years; so that, however able and however valuable a man might be after he had attained that age, he was debarred from all promotion. This limit, however, was to be extended to fifty years in the case of leading men and officers. When the order was issued it created the greatest dismay in the dockyards, and complaints were forwarded to the Board of Admiralty, but he believed that no notice was taken of them. Afterwards, when Sir Frederick Grey went down to Devonport as a candidate, he promised the men employed at the dockyards that on his return to the Admiralty this grievance should be inquired into. It was inquired into, and replies were sent up by some of the principal officers in the Devonport yard, in which, as he was informed, it was distinctly stated that the Admiralty order would not work beneficially. Yet, when he (Mr. Ferrand), stated that he should bring the matter before the House, an order was sent down from the Admiralty threatening any person who gave information with dismissal; and under those circumstances he felt himself compelled to refrain from bringing the subject under the notice of the House. Then, again, the old rules relating to the apprentices had been altered so as to give great dissatisfaction, and he thought it desirable that the Government should state why the alteration had taken place. The hired hands complained of serious grievances. They state that the established men when past work retire on pensions adequate for the support of themselves and families in comfort, while the hired men when past work are dismissed without pensions, and have no refuge but the workhouse. Yet they were fully equal to the established men as workmen, and they looked upon the treatment to which they were subjected as a serious hardship. They had been induced to leave private yards, high wages, and comfortable homes, to be employed in Her Majesty's dockyards on the establishment, and they found by this order that all their hopes were taken from them. He believed the noble Lord the Secretary to the Admiralty would admit that the joiners had fair claims upon the Government. In private yards the joiners had 5*s.* 6*d.* a day, and in the dockyards they had only 3*s.* 10*d.*, and they had to provide a chest of tools that cost them from £25 to £30. Then, again, the wages of the ropemakers had been seriously reduced by the introduction of steam power. During the last eighteen months there had been a general rise of wages throughout the whole country in every trade, not only arising from a decrease of population, but also from the great rise in the price of clothing and meat. The expense of a man's clothing was now nearly double what it was a few years ago; as an instance of which he might mention that in Bradford the best wool was now worth 2*s.* 5*d.* a pound, whereas a few years ago it was 1*s.* to 1*s.* 4*d.* a pound. Cotton goods were also extremely dear, and butcher's meat was almost beyond the reach of a working man, unless he was receiving a very high scale of wages. He hoped the Secretary to the Admiralty and the hon. Gentleman (Mr. Stansfeld) would take into consideration the memorials received from those dockyard artificers—memorials most respectfully worded and well deserving of attention. It might be said that if they raised the wages of some of the artificers they must raise the wages of all. Why should they not do so if it would be only just? He thought any Committee which inquired into the subject would arrive at the conclusion that there was a fair claim on the part of the artificers for an increase of wages, and he hoped the Admiralty would take this subject into immediate and earnest consideration.

COLONEL SYKES said, he thought that rather scant justice had been done to the hon. Member for Halifax. The labour undergone by the hon. Gentleman in producing the results he had brought before the House, with regard to the cost of the artificers, must have been immense. For the first time there now appeared in the Estimates an account of the amount for every artificer in each of the dockyards. It had been urged that the Admiralty ought not to compete with the private industry of the country; but surely it was right that they should have a check on that industry in order that the contracts might be kept within proper limits. Beyond that he should be sorry to see such competition go. If the amount expended on the department was a test of its efficiency—as he presumed it must be taken to be—the navy was in an efficient state. The Vote before the House amounted to almost £1,200,000, while the French charge for artificers was only £682,580. The same rate of comparison ran through the various branches of the naval departments in each country respectively. We had nearly double the number of men and ships that France had. On a former occasion he said that in the French navy there were only seventeen transports, and that the largest of these was only 800 tons. He had been misunderstood by the hon. Member for West Norfolk (Mr. Bentinck), for he only alluded to sailing transports when he made that statement. In the French navy there were also ten steam transports.

SIR MORTON PETO said, he quite concurred in what the hon. and gallant Gentleman (Colonel Sykes) had said about the hon. Member for Halifax, whom he looked upon as a most valuable acquisition to the Government. He wished also to render justice to the noble Lord the Secretary to the Admiralty, who was in the habit of making more lucid statements on the subject of the Estimates than they had been accustomed to hear before the noble Lord came into office. They were likewise indebted to the noble Lord for giving them the specific cost of each ship. He wished to hear from the noble Lord to what extent the Admiralty were prepared to go in regard to repairs of wooden ships now in the navy. If those repairs were gone on with to any great extent, the House could not have that practical economy which they had hoped for from the employment of another material. It was the duty of the Government to keep up a sufficiency of timber ships until vessels of another class could be provided on which we could confidently rely, but still the Government should be satisfied with the minimum that would meet our requirements, and the wooden ships should be taken off the lists as quickly as they got iron ones to replace them. He did not very well understand the remarks of his hon. Friend the Member for Halifax with regard to time in the construction of vessels. He also wished for information as to what extent the Admiralty contemplated the construction of iron-cased ships with wooden frames. He thought that last year there was a pledge, on the part of the Government, that there should not be an increase in these ships beyond a certain number. Almost all his friends doubted the efficiency of this experiment. He was glad to find that the Government had recognized the principle of stock-taking, for without stock-taking there could be no accounts at all, no balance could be struck, and without a balance the accounts gave very little information. With regard to piecework, thirty years' experience had taught him that without piecework it was impossible to obtain an estimate of the value of labour. If the Government intended, as the hon. Member for Halifax had said, to make the dockyards a moderate minimum establishment, he should be perfectly content; for while he wished them to be able to build vessels of their own to a certain extent, and not to be entirely dependent on private yards, he should be sorry to see them going into the enormous expense which would be necessary to enable them to rely entirely on their own exertions. The alterations in the *Warrior* and the *Black Prince* which had been mentioned were practically alterations required by the Government, and not at all incidental to the character of the workmanship or the incapacity of the builders to carry out the design of the Government. With regard to the Chalmers target, Mr. Chalmers had been sent to him by a distinguished officer of the Engineers, and when he looked into his invention he was so much struck with its scientific importance that he said that if Government would give it a fair trial he would pay the expense of the target and take the risk of the loss of the amount in the event of failure of the target. That was done, and the Government had since repaid him; but if, as had been stated, that target had proved to be the best produced, he thought the poor fellow was entitled to some consideration at the hands of the Government, and he felt sure the noble Lord would give him that degree of consideration which he merited. With regard to what had been said by an hon. Gentleman opposite, as to the Government being ready to submit to any amount of indignity, it would be far more courageous for those who thought so to propose a vote of want of confidence, than to come down night after night with vague accusations. Let them put their complaints into a definite form as soon after Easter as possible, and have the matter fairly argued out. As to the complaint which had been made of the barren result of Commissions and Committees, the statement which had been made to-night by the hon. Member for Halifax and the reforms which had been promised were proofs that they had not been without good effect.

SIR HENRY WILLOUGHBY said, he did not share in the alarm which seemed to be felt by some hon. Members, that the Government were not going to spend money enough on the navy this year. During the last two years the workmen in the dockyard had been between 16,000 and 17,000, but this year they were to be 19,000, and the House would be labouring under a great delusion if it supposed that when we employed nearly 3,000 more workmen and expended £162,000 that would be the whole cost. There had been no reduction whatever, and the charges for wages and stores would rather exceed than be under the expenditure of last year. He wished to pay his tribute of thanks to the hon. Member for Halifax for the able, clear, and lucid statement which he had submitted to the House. Although the great improvement that had taken place in the dockyards proved that the Government were on the right tack, a great deal more ought to be done. The Commission had expressed a strong opinion that before any great work was undertaken there ought to be a carefully considered estimate, which should be signed by all the chief parties concerned in the transaction. He wished to know if any progress had been made in that direction, because it went to the whole question as to where the expenditure of the dockyards was initiated. The arguments of the hon. Member for Halifax went to show that a better system now prevailed in the dockyards, and that the cost of a ship might be obtained, but that was by no means clear, looking at the expenditure in building and in repairs. It appeared that the cost of six ships, carrying twenty-five guns, was £90,000, whilst twenty other ships had cost £511,000, making £601,000 for twenty-six ships. The House ought to know who were the parties who set in motion all this expenditure, and to see if there was any estimate signed by the proper authorities. He should like to know whether there was any such document in existence, and trusted the noble Lord would give some explanation on the subject. If the hon. Member opposite divided the House he certainly should vote with him.

MR. LAIRD said, that a large amount was to be expended in wages and materials next year, and there ought to be some explanation from the Government of what was to be done for the money. They knew that a great many ships were coming home that would require large repairs, and that new ships were to be built; but the Government ought to tell the Committee how many new ships were to be built, and how much money would be spent in repairs. If one-half of the whole amount was to be spent on repairs, it proved that they were going on using the wrong material, because private builders had constructed iron ships which the Government and other parties had used for twenty to thirty years without expending on them more than a very trifling amount in repairs. The excess of £160,000 of Vote 8 in Wages over the expenditure of last year, represented the labour on 25,000 tons of new ships at the highest cost per ton; and, according to the figures for Wages and Materials, they ought to have 80,000 tons of new ships equal to forty new ships of 2,000 tons each. Now, was it intended to build to that extent ? The hon. Member for Halifax had done a great deal during the time he had been in office ; but the Committee were entitled to know how many new ships would be built, and how much money would be spent on repairs. The only explanation they had yet received was that given in the statement of the hon. Member for Halifax who said they were going to have such ships as had never before been seen, and he instanced the *Bellerophon*. She was to carry guns of 16 tons and 22 tons weight. [LORD CLARENCE PAGET: No !] He spoke of the weight of the gun including the carriage, and it was clear that to move the gun they must be able to move the carriage. According to the opinion of practical men, the largest gun which could be worked in a broadside was a gun of 6½ tons, and about 3 tons for the carriage, and yet we were building ships to carry guns of 16 and 22 tons. He suggested that these 16 ton and 22 ton guns should be put on board existing vessels, and sent across the Atlantic to see if they would work, before the new ships for which they were intended were completed. If the trial proved satisfactory, the ships could be proceeded with ; but if it appeared that practically they could not be worked, an enormous expenditure would be saved and turned to some other use. He was unwilling to vote for any reduction, but he thought the Government ought to give more detailed information.

LORD CLARENCE PAGET said, his hon. Friend who proposed the reduction of the Vote had made a slight error. He made out that the sum of £324,000 for hired artificers stood against £80,000 for the same item last year. But the very next item to the £80,000 was £70,000 for hired artificers in building the *Achilles*, so that the real comparison was £324,000 not against £80,000, but against £150,000. He begged pardon if he had been supposed to demur to the statement of the hon. Member for Birkenhead (Mr. Laird) as to the weight of the guns in the *Bellerophon*. It was the usual custom in deciding upon the armament of a ship, to deal with the guns, and not with the carriages. When a ship would carry a six ton gun, that meant with the carriage of the gun added. The *Bellerophon* would be armed with a twelve ton gun, with the carriage added. His hon. Friend seemed to suppose that if the guns were too heavy, the ship would become useless. But that was not so. The guns were put on board the ship experimentally. If she would not carry a twelve ton gun, lighter guns would be substituted. He did not profess to be a shipbuilder, and he quite admitted that it was an experiment. But the Admiralty had not decided on that class of ship without very careful consideration. Their Chief Constructor had already turned out two small vessels, the *Enterprise* and the *Research*, which were both successful as far as they had been tried, and this vessel would be on the same principle, only greatly enlarged. She would have a great advantage over the *Warrior* and *Minotaur*, as she would be a great deal handier, being 100 feet shorter. The hon. Baronet the Member for Evesham (Sir Henry Willoughby) asked for more detailed information. He did advert the other night, and his hon. Friend the Member for Halifax had adverted in his able statement tonight, to the necessity of voting a considerably larger sum for repairs in the coming year. It was perfectly true that the employment of a greater number of workmen involved the inference that they intended to expend a large amount of stores. As regarded the stores, they were in a very satisfactory condition, and in repairs the proportion of materials to labour was very much less than in building. The hon. Baronet would therefore see, that although there was a very much larger Vote for labour, the expenditure for material would not be so large in proportion. The hon. Baronet asked whether the Admiralty had made an estimate of the cost of repairs. Well, they did as far as they could, but nothing was so liable to error as an estimate of repairs. They would have to repair ships now in China, and it was impossible to frame a strict estimate of an expenditure which would depend on the state of the ships on their return home. All they could do was to deal with averages. He would give the Committee an idea of the proportions of this Vote in the various services. After a very careful analysis for some years past, they found that about 23 per cent of the Vote for services performed by the artificers in the dockyards was expended in building and fitting. His hon. Friend the Member for Birkenhead (Mr. Laird), said they ought to have 80,000 tons of new ships next year. But he had altogether omitted the items of repairing and refitting, the average of which was 28 per cent of the labour Vote. For building and fitting their average was about 23 per cent, for repairing and refitting 28 per cent, and for manufacture 49 per cent. The average last year for building and fitting was 22 per cent, for repairing and refitting 33 per cent, and for manufacture 45 per cent. Next year the proportion under the head of repairing and refitting would be considerably more inasmuch as they had reliefs to carry out in the case of no less than 64 ships. The number of reliefs in 1863 was 57, and in 1862 only 53. He mentioned the other evening that they were about to commence the construction of a class of ships novel as regarded the navy, but not novel to the hon. Member for Birkenhead (Mr. Laird). They hoped to be able to turn out a class of ships of great speed, and very valuable as cruisers, like a vessel which they had all heard a good deal of (the *Alabama*). They proposed to construct next year 13,604 tons of armour-plated ships, and of non-armour 4,404. Up to the 31st of December last they had built 5,807 tons of armour ships, and of non-armour 683 tons. The Committee would observe that both in building and repairing they would have a great deal more work to do next year than this year. He had always candidly told the Committee where the Government were behind, and they were now behind in the reserves. Unfortunately they had been so occupied in other respects, that their first-class steam reserves were in a backward state. "A stitch in time saves nine," and if repairs were put off from year to year, they became very heavy in the end. Moreover, the smaller ships, especially of the wooden fleet, were getting worn out, and he was positive in a short time they should have to expend a considerable sum in building a fresh supply of small cruising vessels for the police of the seas.

In answer to a question of the right hon. Baronet the Member for Droitwich (Sir John Pakington) on the subject of the School of Naval Architecture, he might be permitted to say that the models would, he trusted, be shortly removed to South Kensington, where a handsome apartment had been fitted up for them, and they were now in communication with the Institute of Naval Architects about the details of the school.

And in answer to the observations of the hon. and gallant Member for Portsmouth (Sir James Elphinstone), in reference to the pay of joiners, he was quite aware that the artificers of Her Majesty's dockyards did not receive that amount of pay which they might get in the private trade, and that remark applied not only to the joiners, but to all the artificers. The artificers had sent very respectful memorials to the Admiralty, complaining that, whereas they did not receive as good pay as they might have in private yards, they had not the same advantages as they used to have in being placed upon the establishment. It was perfectly true during the last three years they had laboured under considerable disadvantages of that kind. The establishment of the dockyards had been greatly exceeded, and it became absolutely necessary it should be reduced to the limits fixed by the Order in Council. He should be very glad if the Admiralty could comply with the reasonable desires of the artificers, because he knew their merits; and if they waited patiently for a short time, as the establishment was very nearly down to its proper number, a flow of promotion into it would take place, which he was positive would be satisfactory. Hon. Gentlemen should remember, when they talked of increasing the pay in the dockyards, that they had some 16,000 or 17,000 men to deal with, and to increase it even by 6*d.* a day, which was no very large addition after all, would make a difference of upwards of £100,000 a year. Speaking conscientiously of the matter, there was not the least doubt that the men in Her Majesty's dockyards were not paid at the full market value for labour of that description. But then they had many advantages over the men in private yards. For instance, their employment was continuous; but in a private yard shipwrights were often discharged on a wet day, and received no pay. Again, the artificers of Her Majesty's yards, when hurt, were allowed to receive half their pay. Now, with respect to Mr. Chalmers. It was a rule with the Admiralty that no man should be rewarded for any experiment unless the invention was adopted in Her Majesty's service. Mr. Chalmers came to the Admiralty and proposed that his target should be tried. He was distinctly told if he wished to make the target it should have a fair trial, but it should be done at his own expense. The Admiralty were extremely guarded, because, if they entered into engagements beforehand with one inventor, they would be bound to do so with another, and they wished to act fairly towards all. Well, the target had shown considerable merits; but when the expense incurred came to be considered by the Admiralty, they decided that though upon the whole the invention was not available for the construction of Her Majesty's ships, Mr. Chalmers ought to receive the expense which he incurred to the Company who made the target. Beyond that they could not go. He had been asked to give more details about the *Bellerophon.* Her speed was estimated at 14 knots, while that of the *Warrior* was 14·33 knots. As to her armament, the intention at present was to arm her with ten 300-pounders and four 100-pounders, making fourteen in all. With regard to the question of patronage, it was a mistake to suppose that the Admiralty appropriated to themselves any of the patronage of the dockyards. No change whatever with respect to the entry of men had taken place; the superintendents were responsible for the various men employed, and there were certain fixed rules with regard to promotion, which were not departed from. He trusted that the hon. Member for Sunderland would not persevere with his Amendment.

MR. LINDSAY said, it was evident the Committee were not prepared to reduce the Vote by so large an amount as £240,000, and he should, therefore, withdraw his Amendment, and would then make another proposition.

Motion, by leave, *withdrawn.*

Original Question again proposed.

MR. LINDSAY then moved that the

Vote be reduced by £162,438, the amount of the increase this year on this Vote. It was clearly proved before the Committee that we were paying 200 per cent more for ships built in Government dockyards than they could be built for in private yards. He did not think the House would be justified in continuing such useless expenditure; he should, therefore, take the sense of the Committee upon this Vote.

Motion made, and Question proposed,

"That a sum, not exceeding £1,112,878, be granted to Her Majesty, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1865."—(*Mr. Lindsay.*)

MR. STANSFELD stated, in reply to the hon. Member for Birkenhead (Mr. Laird), who had said that it was unadvisable to spend money for labour and materials for the repair of wooden ships, that the Government meant simply to effect such repairs as were necessary for the commissioning of ships to replace others belonging to the cruising squadrons which had come home to be paid off; but the main cause of increase on the labour Vote was that provision might be made for the construction of armour-plated ships. The hon. Member had charged the Government with taking a large amount of money, and referred to certain small vessels which cost only £25 or £30 per ton; but it should be remembered that the large armour-plated vessels cost £50 a ton, exclusive of the expense of fitting them for sea. The hon. Baronet the Member for Evesham (Sir Henry Willoughby) had observed that it was important to have not only an accurate account of past expenditure, but an estimate of the expense of work before it was commenced. That was the state of things already existing in the Controller's department. No repair was undertaken without an estimate being sent up from the yard; and if the repairs exceeded the estimate to a considerable amount the officers of the yard were called on for explanation. He had in his hand an estimate for the *Royal Oak*, sent up by the officers of the yard, as well as a statement of the actual expenditure. The estimate was £137,062, and the actual expenditure £136,362. The hon. and gallant Member for Chatham (Sir Frederic Smith), speaking of the *Bellerophon*, could not understand how it was that a vessel of less dimensions, unless of finer lines than the *Warrior*, could possibly accomplish the same speed. As the science of naval architecture could not be supposed to have already reached its highest and most perfect condition, he did not think it safe to assert that ships, even without finer lines and of less length than the *Warrior*, might not be able to go at the same speed. The *Bellerophon* had, as nearly as possible, as fine lines as the *Warrior*, but was 2,000 tons less; and though her nominal horse-power was less than the *Warrior*, she was able to work her engines to the same speed. As to the Dockyard Police, which had been referred to by the hon. Member for Lincoln (Mr. Seely), there was no analogy between their duties and those of ordinary watchmen in private establishments. They not only watched over valuable property scattered over a large area in the dockyards, but they served also as a water police and fire brigade. They took charge of the hospitals, and had superseded the military guards in the dockyards. They attended to the lighting and extinguishing of lamps, conveyed prisoners to the various gaols, and so on. Their new duties engaged at least sixty men, and there was in consequence a saving of more than that number of men in other departments. During the years immediately preceding the introduction of the present metropolitan police, the cost of the dockyard police was about £38,000, and the increase in the present estimate was comparatively small, being only £450. The hon. Member for Sunderland, who was at first alarmed at the amount of information given in the papers, now complained that it was not enough. [Mr. LINDSAY: It is not the right sort of information.] He was at a loss to know what the hon. Member wanted. If his hon. Friend would only pick out of the labour chart one or two of the items of expenditure as to the building, conversion, fitting, or repair of ships, and challenge the accuracy of the account or the economy of the operation, he was ready to produce details on the subject to any extent and to probe the matter to the bottom. If his hon. Friend wanted, not a grievance but a remedy, he would accept that proposal. He could only say that the allegations of dockyard work being 100 and 200 per cent dearer than that done in private yards could not be supported by proof, and he would like to see them fairly tested. He trusted that the Committee would not agree to the Amendment, but would enable the Admiralty to maintain the efficiency of the ordinary cruising squadrons, and, still more, to complete with the utmost expedition the additions to the armour-plated fleet.

MR. LINDSAY said, the labour charts did not give the information which the Committee ought to have. The amount was given in a round sum, but no details were given to show that we got value for our money. The statements of the Dockyard Committee had not been answered—namely, that ships in our dockyards cost above 200 per cent more than those constructed in private yards. The Committee gave the names of eight corvettes, the hulls of which had cost £8 13*s.* 10*d.* per ton, whereas they stated that the same vessels could have been built in private yards for £2 16*s.* per ton. For many years he had walked into the lobby in a minority with regard to the continued construction of wooden ships—those mighty slaughter-houses, which, after costing the country ten millions of money, were now utterly useless. He might be in a small minority now, but the time would come when there would be a thorough change in the Admiralty, in accordance with what had been pointed out by the Royal Commission and the Committee of Inquiry. He contended the Admiralty were not justified in spending money in the manner they were till the change so pointed out by the Royal Commission and the Committee of Inquiry had been carried out, and if he had but one hon. Member to vote for him, he would divide the Committee.

SIR JOHN PAKINGTON: As the hon. Gentleman is going to divide on this Amendment, I wish to state that I shall not be in the small minority which he anticipates with him. I do not feel very sanguine that the exertions of the hon. Gentleman—to which exertions I am willing to do full justice—will have the result of very much increasing the economy of expenditure under this vote. I think no Gentleman who has heard the debate this evening could do so without coming to the belief that it is the intention of the Admiralty to economize their large expenditure in our dockyards as much as they are able; and also that the representatives of the Department have given us very able explanations; and for the reasons they have stated—that this amount of expenditure was necessary for the public service—I cannot assume the responsibility of voting against it. Before I sit down, I wish to advert to what was said by the Secretary for the Admiralty as to the Chalmers' target. I am not quite satisfied with the explanation. The noble Lord the Secretary of the Admiralty said that the Admiralty, as a matter of course, was bound to tell the inventor that he must try the experiments with his target at his own expense. I do not think that answer was a wise one, because all scientific men had arrived at a conclusion that this was a new principle, and they all believed that it gave promise of great success. In these times of transition it is the duty of the Government to give every encouragement and support to the inventor who comes forward with an invention of any merit. I presume, however, in making that announcement, the Admiralty meant that the experiment was to be tried at his own expense if it turned out a failure. I cannot suppose that he meant to tell the inventor that he was to try the experiment at his own expense if his invention turned out a success and a great and valuable discovery. Had it not been for the great liberality of the hon. Member for Finsbury (Sir Morton Peto), it would not probably have been tried at all. Now, I hear that the money advanced by the hon. Member for Finsbury has been repaid, but that £400 or £500 provided by the inventor himself has not been repaid. Now, this should be cleared up. I hope the representatives of the Admiralty will explain the matter, and if it is so, repair the injustice. I know nothing of the man; he told me his tale, and it did not seem consistent with justice. We are also told the target on the *Bellerophon* is nothing more nor less than the Chalmers' target, the Government having borrowed and applied it. This should be cleared up, as there is no doubt that the Chalmers' target is a valuable target, constructed on excellent principles, and if the target has been applied to the *Bellerophon* the invention should be fairly recognized.

MR. KINNAIRD thought, that the noble Lord at the head of the Government had done the utmost in his power to promote the efficiency of the public service by selecting, not one of his supporters, but a Gentleman from below the gangway, distinguished by his ability and his zeal for economic reform, to fill the place now occupied by the hon. Member for Halifax. He thought the least the hon. Gentleman was entitled to was a fair opportunity of carrying out his plans.

LORD CLARENCE PAGET said, that

if it were the fact that the Chalmers' target was the same or even a close approach to that of the *Bellerophon*, Mr. Chalmers would be undoubtedly entitled to be repaid, not the expenditure he had incurred, but to receive a reward. In truth, however, this was not so, for the construction of the *Bellerophon* target was the same in principle as that of the *Warrior*. It had longitudinal stringers which were fixed to the vessel, and as it were connected her armour-plates with the vessel herself. Mr. Chalmers' cellular principle was one of great ingenuity, and had shown a considerable power of resisting projectiles, but it did not form a structural part of the ship. If the right hon. Gentleman would call upon him at the Admiralty he would make this clear by showing him a section of the *Bellerophon* and the *Warrior*. He should be sorry for the public to suppose that the Admiralty had pirated Mr. Chalmers' invention.

SIR JOHN HAY said, that whether or not the *Bellerophon* target was derived from Mr. Chalmers' invention, there could be no doubt that one of the most essential and valuable principles of the Chalmers' target was undoubtedly embodied in the *Bellerophon*. That was his opinion and also that of the Iron-plate Committee. Mr. Chalmers, he did not doubt, had the priority of design, and for that design he deserved the utmost credit.

Question put.

The Committee *divided* :—Ayes 29; Noes 110: Majority 81.

Original Question put, and *agreed to*.

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House *resumed*.

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House adjourned at a quarter after Twelve o'clock.

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☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Ordered, "That the Bill be committed to a Select Committee;"
Committee nominated *Mar* 9:—Mr. Laird, Mr. Milner Gibson, Sir James Elphinstone, Sir Frederic Smith, Mr. George Bentinck, Mr. Crawford, Mr. Richard Hodgson, Mr. Jackson, and Mr. Lindsay

Chain Cables and Anchors
Proof Certificates; Question, Mr. Laird; Answer, Lord Clarence Paget *Feb* 26, 187
Messrs. Brown, Lennox, & Co.; Question, Mr. Laird; Answer, Lord Clarence Paget *Mar* 4, 1458

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The Lord Redesdale appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session *Feb* 4

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Chancellor of the Exchequer (Right Hon. W. E. Gladstone), *Oxford University*
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Charitable Estates and Trusts Acts
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Charity Commission — Salary of the Secretary
Question, Mr. Ferrand; Answer, Mr. Lowe *Feb*. 19, 794
Explanation, Mr. Ferrand *Feb* 19, 798

CHELMSFORD, Lord
China—Death of Lieut. Tinling, 441, 453, 454
Crawley, Colonel, Court Martial on — Deputy Judge Advocate, 1165, 1895
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United States—Correspondence with the Federal Government, 1058, 1059

CHICHESTER, Earl of
Ecclesiastical Commissioners, Papers moved for, 166

Chief Rents Ireland Bill [H.L.]
(*The Earl of Donoughmore*)
l. Presented and read 1ª * *Feb* 26 (No. 15)
Read 2ª * *Mar* 3
Committee*; Report *Mar* 10 (No. 28)
Read 3ª* and passed *Mar* 11

CHILDERS, Mr. H. C. E., *Pontefract*
Army Estimates—Land Forces, 1447
Penal Servitude Acts Amendment, Leave, 776, 780
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Question, Viscount Enfield; Answer, Mr. Bruce *Feb* 15, 561

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Anglo-Chinese Fleet, Question, Colonel Sykes; Answer, Lord Clarence Paget *Feb* 26, 1182
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CHURCHILL, Lord A. S., *Woodstock*
Slave Trade on the East Coast of Africa, 1902

Church Rates Commutation Bill
(*Mr. Newdegate, Lord Robert Montagu*)
Ordered; read 1°* *Feb* 9 [Bill 8]

Civil Service and Miscellaneous Estimates
Motion, "That the Civil Service and Miscellaneous Estimates have been for many years rapidly increasing, and ought to be reduced" (*Mr. Marsh*) *Mar* 1, 1338
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CLIFFORD, Mr. C. C., *Isle of Wight*
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CLIFTON, Sir R. J., *Nottingham*
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COLLIER, Sir R. P., *see* SOLICITOR GENERAL, The

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Denmark and Germany — Integrity of the Danish Monarchy, 886

Colonial Governors Retiring Allowances
Question, Mr. Hopwood; Answer, Mr. Chichester Fortescue *Feb* 15, 562

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Crawley, Colonel, Court Martial on—Deputy Judge Advocate, 1161, 1175

Committee of Selection
Committee nominated, *Feb.* 11:—Mr. Dunlop, Mr. Herbert, Mr. Bonham-Carter, Lord Hotham, Mr. Mowbray, and the Chairman of the Select Committee on Standing Orders.
First Report *Feb* 17, Second Report *Mar* 4, Third Report *Mar* 11 (No. 62)

Common Law Procedure (Ireland) Act 1853 Amendment Bill
(*Mr. Attorney General for Ireland, Sir R. Peel*)
Ordered; read 1° * *Mar* 7 [Bill 43]

Consolidated Fund (£4,500,000) Bill
c. Read 1° * *Mar* 11
Read 2° * *Mar* 14

Consolidated Fund (£584,650) Bill
c. Read 1° * *Mar* 11
Read 2° * *Mar* 14

Constabulary, Reports of the Inspectors of—Police Spy System
Question, Mr. Roebuck; Answer, Sir George Grey *Mar* 3, 1388

Controller of the Navy and the Devonport Election
Question, Mr. Ferrand; Answer, Lord Clarence Paget; Debate thereon, *Mar* 3, 1392,

Controverted Elections—Chairmen's Panel
Hugh Edward Adair, James Wentworth Buller, Edward C. Egerton (Macclesfield), Viscount Enfield, George Ward Hunt, Robert Longfield *Feb.* 18
Edward Howes, esq., *v.* George Ward Hunt, esq., disch. *Mar* 1

Controverted Elections—General Committee of Elections
Committee (by Mr. Speaker's Warrant):—The Right Hon. Sir F. T. Baring, bart.; Right Hon. S. H. Walpole; Right Hon. H. A. Herbert; Sir W. Miles, Bart.; H. Ker-Seymer, esq.; John Bonham-Carter, esq., *Feb* 8

Conveyancers, &c., (Ireland) Bill
(*Mr. Att. Gen. for Ireland, Sir R. Peel*)
c. Ordered; read 1° * *Feb* 8 [Bill 5]
Read 2°, after short Debate, *Feb* 15, 595
Considered in Committee *Feb* 26, 1227
cl. 1 agreed to
cl. 2, as to granting Certificates
Amendment, to add—All English Barristers may practise in Ireland, and Irish Barristers may practise in England (*Mr. M'Mahon*), 1227
After short Debate, Amendment negatived
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After short Debate, Amendment agreed to
cl. as amended, agreed to
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Conveyancers, &c. (Ireland) Bill—cont.
cl. 3 (Penalties on Persons acting as Attorneys, &c., unless qualified
Clause agreed to; Remaining clauses agreed to
Bill reported *Feb* 26
Considered as amended * *Feb* 29
Read 3° * *Mar* 1
l. Read 1ª * (*The Lord Chancellor*) *Mar* 3 (No. 17)

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Copyright—Law of
Question, Mr. Black; Answer, Mr. Milner Gibson *Feb* 10, 563

Copyright Bill
(*Mr. Black, Mr. Massey, Mr. Stirling*)
Ordered; read 1° * *Feb* 23 [Bill 34]

Cornwall, Proposed Bishopric of
Question, Sir Stafford Northcote; Answer, Sir George Grey *Feb* 16, 680

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(*Mr. Attorney General for Ireland, Sir Robert Peel, Sir George Grey*) [Bill 12]
c. Ordered, after short Debate, *Feb* 11, 480
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(*Mr. Locke King, Mr. Hastings Russell*)
c. Motion for leave (*Mr. Locke King*), 933
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Read 1° *Feb* 23 [Bill 33]

Court of Chancery (Despatch of Business) Bill
(*The Lord Chancellor*)
l. Presented, and, after short Debate, read 1ª *Mar* 4, 1452 (No. 18)

Court of Justiciary (Scotland) Bill
(*The Lord Advocate, Sir George Grey, Sir William Dunbar*)
c. Ordered * *Feb* 22
Read 1° * *Feb* 23 [Bill 31]
Read 2° * *Mar* 1
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After short Debate, A. 84, N. 49; M. 35
Bill considered in Committee
Motion to report Progress (*Sir John Hay*)
Agreed to; Committee R.P.

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  Archway and Kentish Town Junction Road, 2R. Amendt. 1064
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CRAWFORD, Mr. R. W., *London*
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  The Deputy Judge Advocate, Question, Lord Colville of Culross; Answer, Earl De Grey and Ripon; long Debate thereon *Feb* 26, 1161
  The Judge Advocate General, Question, Lord Chelmsford; Answer, Earl De Grey and Ripon *Mar* 14, 1895;
  Question, Mr. Dudley Fortescue; Answers, The Marquess of Hartington, Mr. Headlam *Mar* 8, 1655; Question, Sir James Fergusson; Answer, Mr. Headlam *Mar* 14, 1904

CROSSLEY, Sir F., *Yorkshire, W. R.*
  Bank Acts (Scotland), Comm. Res. 472
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  Japan—Bombardment of Kagosima, Res. 367
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DALGLISH, Mr. R., *Glasgow*
  Bank Acts (Scotland), Comm. Res. 473
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  Invasion of Jutland, Question, The Earl of Malmesbury; Answer, Earl Russell *Feb* 26, 1158
  Invasion of Denmark—The Correspondence, Question, The Earl of Derby; Answer, Earl Russell; Observations thereon *Mar* 8, 1615
  Speech of M. Hall, Question, The Earl of Derby; Answer, Lord Wodehouse *Mar* 14, 1896
  Joint Action of the European Powers, Question, Lord Stratheden; Answer, Earl Granville *Mar* 14, 1899
  The Austrian Fleet in the Baltic, Question, The Earl of Shaftesbury; Answer, Earl Russell; Observations thereon *Mar.* 8, 1627
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The Province of Jutland, Question, Mr. Newdegate; Answer, Viscount Palmerston *Feb* 19, 799

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Embargoes on Danish and German Shipping, Question, Sir John Ogilvy; Answer, Mr. Layard *Feb* 22, 859

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Blockade of the German Ports, Question, Mr. W. E. Forster; Answer, Mr. Layard *Feb* 25, 1069; Question, Mr. Dalglish; Answer, Mr. Layard *Mar* 11, 1825; Question, Mr. Fenwick; Answer, Mr. Layard *Mar* 14, 1907

Neutral Goods in Prussian Vessels, Question, Sir Lawrence Palk; Answer, Mr. Milner Gibson *Feb* 5, 172

War Steamer in the Clyde, Question, Mr. Dalglish; Answer, Mr. Layard *Feb* 29, 1251

Relations with the European Powers, Question Mr. Disraeli; Answer, Viscount Palmerston *Feb*. 29, 1260

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The Frankfort Diet and the Conference, Questions, Sir Charles Douglas, Lord John Manners, Mr. Seymour Fitzgerald; Answer, Viscount Palmerston *Mar* 7, 1547

Bases of the Proposed Conference, Question, Mr. Seymour Fitzgerald; Answer, Viscount Palmerston *Feb* 26, 1189; Question, Mr. Seymour Fitzgerald; Answer, Viscount Palmerston *Mar* 11, 1828

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Malt for Cattle, Leave, 227, 233; 2R. 601; Comm. *cl.* 1, 1052, *add. cl.* 1220, 1227

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Dockyards, Royal Commission on

Observations, Mr. Lindsay; long Debate thereon *Feb* 22, 903

Dockyards Commission, Royal—The Report

Amendt. on Committee of Supply *Feb* 25, To leave out from "That" and add, "That in the opinion of this House the Recommendations contained in the Report of the Commissioners appointed by Her Majesty in 1860 to inquire into the control and management of Her Majesty's Naval Yards ought to be carried into effect" (*Mr. Lindsay*), 1073

After Debate, Amendment withdrawn

Dockyards
Select Committee appointed * *Feb* 25, " To inquire into and report upon the Basin and Dock Accommodation of the Royal Dockyards in the United Kingdom, and its sufficiency for the Public Service, having reference especially to the proposed extension of Her Majesty's Dockyard at Portsmouth " (*Lord Clarence Paget*)
Committee nominated *Feb* 26 (after short Debate)—Sir Francis Baring, Sir John Pakington, Mr. Stansfeld, Sir John Hay, Mr. Baxter, Mr. Laird, Sir Morton Peto, Mr. George Bentinck, Sir Joseph Paxton, Mr. Corry, and Mr. Charles Berkeley :— And, on *Feb* 29, Mr. Leatham, Mr. Lawson, Sir James Elphinstone and Mr. Hennessy, added.

Dodson, Mr. J. G., *Sussex, E.*
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DuCane, Mr. C., *Essex, N.*
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Court of Justiciary (Scotland), Comm. 1704

Duncombe, Vice Adm. Hon. A., *Yorkshire, East Riding*
Japan—Armstrong Guns at Kagosima, 1905

Duncombe, Hon. W. E., *Yorkshire, N. R.*
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Dunne, Col. F. P., *Queen's Co.*
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Dutton, Hon. R. H., *Hampshire, S.*
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Ecclesiastical Commissioners
Motion for " Copies of Two Reports of Committees of the Ecclesiastical Commissioners" (*The Archbishop of York*) *Feb* 5, 160
After short Debate, Motion agreed to ; (*Parl. P.* Nos. 1 and 2)
Motion for Copy " Of two Reports made to the Ecclesiastical Commissioners by the Estates Committee on the 4th and 18th days of February, 1864 " (*Mr. Walpole*), *Feb.* 23 ; after short Debate, agreed to, 1021
(*Parl. P.* 88)

Ecclesiastical Courts
Question, Mr. Henry Seymour ; Answer, Sir George Grey *Mar* 10, 1784

Education
Endowments, Motion, " That Grants made from the Treasury to Schools for the Working Classes should not, in every case, be reduced by the whole amount of all endowments" (*Mr. Adderley*), *Mar* 8, 1659
After long Debate, Motion agreed to
Education Reports, Question, Sir John Pakington ; Answer, Mr. Lowe *Mar* 11, 1823
Education, Inspection of Night Schools, Question, Mr. Sclater-Booth ; Answer, Mr. Lowe *Mar* 11, 1824
Education (*Scotland*), Question, Mr. Leslie ; Answer, The Lord Advocate *Feb* 25, 1067

Edwards, Lt. Col. H., *Beverley*
Yeomanry Cavalry, Res. 1376

Egerton, Mr. E. C., *Macclesfield*
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Egypt—The Suez Canal
Question, Mr. Roebuck ; Answer, Mr. Layard *Feb* 25, 1066

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(*Mr. Hunt, Mr. Knightley*)
c. Ordered and read 1° * *Feb* 12 [Bill 17.]

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(*Mr. Bruce, Sir George Grey*)
c. Ordered ; read 1° * *Feb* 19 [Bill 26]
Read 2° * *Feb* 26
Committee and Report * *Mar* 4
Considered as amended * *Mar* 7
Read 3° * *Mar* 8
l. Read 1ª * (*Lord Stanley of Alderley*) *Mar* 10
Read 2ª * *Mar* 14 (No. 25)

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Mhow Court Martial, Case of Paymaster Smales, Questions, Sir James Fergusson; Answers, Mr. Headlam, The Marquess of Hartington *Mar* 8, 1649; Opinion of the Judge Advocate; Question, Sir James Fergusson; Answer, Mr. Headlam *Mar* 11, 1818

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Insane Prisoners Act Amendment Bill
(*Sir G. Grey, Mr. Bruce, Mr. Attorney Gen.*)
c. Bill ordered, after long Debate;
Read 1° *Feb* 8, 243 [Bill 4]
Read 2° after long Debate *Feb* 15
Considered in Committee *Feb* 19
cl. 1 (Repeal of 3 & 4 *Vict.* c. 54, s. 1) agreed to
cl. 2 (Prisoners becoming insane, two Justices may inquire, with Medical Aid, respecting such Insanity)
Amendt. proposed, to leave out "death" (*Mr. Gathorne Hardy*), 833
After Debate, Question put, "That the word 'death' stand part of the Clause;" Committee divided, A. 32, N. 26; M. 6
Division List—Ayes and Noes, 846
cl. agreed to
Remaining clauses agreed to
add. cl. (Charge of maintenance of insane prisoners to be borne by the common fund of the Union) (*Mr. W. G. Langton*); *cl.* added
Bill reported
Bill, as amended, considered, after short Debate, *Feb* 23, 1021
Read 3° * and passed *Feb* 24
l. Read 1ª* (*The Lord President*) *Feb* 25 (No. 14)
Moved, "That the Bill be now read 2ª;" *Feb* 29, 1243; after short Debate, Motion agreed to
Read 2ª *Feb* 29

Insolvent Debtors Bill
(*Mr. Paull, Mr. John Locke, Mr. M'Mahon*)
Ordered; read 1° * *Feb* 15 [Bill 20]

Intoxicating Liquors Bill
Intoxicating Liquors considered in Committee *Mar* 10, 1814
Motion, "That the Chairman be directed to move, &c." (*Mr Lawson*); A. 70, N. 36; M. 34
Resolution reported; Bill ordered
(*Mr. Lawson, Mr. Bazley*)
Read 1° *Mar* 10 [Bill 44]

Ionian Islands, Cession of the
Question, Mr. Gregory; Answer, Mr. Layard *Feb* 15, 566; Observations, Colonel Dunne; Reply, Mr. Chichester Fortescue; Debate thereon *Feb* 25, 1082

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Charitable Bequests, Question, Mr. Hassard; Answer, The Attorney General for Ireland *Feb* 12, 496
Condition of, Amendt. on Committee of Supply *Mar* 11 "That this House is of opinion, that it is just and expedient to extend to Ireland the beneficial provisions of the English Poor Laws" (*Mr. Hennessy*), 1831; after long Debate, Amendt. withdrawn
Court of Chancery, Question, Colonel Dickson; Answer, Mr. O'Hagan (The Attorney General for Ireland), *Feb* 23, 932
Galway Packet Service, Question, Mr. Baxter; Answer, Mr. Peel *Mar* 4, 1455
Irish Church, Questions, Mr. Dillwyn, Sir Frederick Heygate; Answer, Sir Robert Peel, *Feb* 11, 462
Irish Constabulary, Question, Mr. Scully; Answer, Sir Robert Peel, *Mar* 11, 1816
Daunt's Rock and Robert's Cove, Question, Mr. Scully; Answer, Mr. Milner Gibson *Mar* 11, 1817
Irish Reproductive Loan Fund, Question, The Earl of Leitrim; Answer, Earl Granville *Mar* 14, 1899
Lunatic Asylums (*Ireland*), Question, Colonel Greville; Answer, Sir Robert Peel *Feb* 29, 1250
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Quartermaster Acres—The North Tipperary Militia, Observations, Mr. Pollard-Urquhart; Reply, Sir Robert Peel *Mar* 14, 1930
Queen's College, Cork, Questions, Lord Naas, Mr. Hennessy; Answer, Sir Robert Peel, 715
Railway Encroachments (*Dublin*), Question, Mr. Vance; Answer, Mr. Milner Gibson *Feb* 15, 562
Taxation of, Amendment on Committee of Supply *Feb* 26, "That a Select Committee be appointed, to consider the Taxation of Ireland, and how far it is in accordance with the provisions of the Treaty of Union, or just in reference to the resources of the Country" (*Colonel Dunne*), 1199
After Debate, Question, "That the words, &c."—negatived; Words added
Main Question, as amended, put, and agreed to
Select Committee appointed
Committee nominated *Mar* 8: — Colonel Dunne, Sir Edward Grogan, Sir Frederick Heygate, Mr. Longfield, Mr. Hennessy, Mr. Monsell, Lord John Browne, The O'Conor Don, Lord Stanley, Sir Stafford Northcote, Mr. Howes, Mr. Finlay, Sir

[*cont.*

Ireland—cont.
Robert Peel, and Mr. Lowe:—Mr. Hankey added *Mar* 9
Tobacco Cultivation in, Question, Mr. MacEvoy; Answer, The Chancellor of the Exchequer *Feb* 16, 562

JACKSON, Mr. W., *Newcastle-under-Lyme*
Chain Cables and Anchors, Select Comm. moved for, 1361

Japan
Kagosima, Bombardment of—Motion, "That this House, while only imputing to Admiral Kuper a misconception of the duty imposed on him, deeply regrets the burning of the town of Kagosima, as being contrary to those usages of War which prevail among civilized nations, and to which it is the duty and policy of this country to adhere" (*Mr. Buxton*), *Feb* 9, 335; Amendt. to leave out "while only imputing to Admiral Kuper a misconception of the duty imposed on him" (*Mr. Longfield*), 354; Question proposed, "That the words, &c."; After long Debate, Question put, and negatived; Amendt. made; Main Question, as amended, proposed; Previous Question put (*Viscount Palmerston*) A. 85, N. 164 M.79; Division List—A. and N., 422
Debate on Kagosima — Admiral Lambert, Explanation, Mr. Buxton *Feb* 18, 717; Explanation, Mr. Buxton, *Mar* 3, 1370
"*The Illustrated London News*," Explanation, Mr. Layard *Feb* 18, 717
Colonel Neale—Admiral Kuper, Observations, Mr. Layard *Mar* 14, 1910
Mr. Moss, Explanation, Mr. Aytoun *Feb* 19, 798

Jersey, Laws of
Question, Mr. Sclater-Booth; Answer, Sir G. Grey *Feb* 25, 1069

JERVIS, Capt. H. J. W., *Harwich*
Great Eastern Northern Junction Railway, 2R. 710
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Indian Army—Report of Commission, 172;—Claims of Officers, 1065
London, Brighton, and South Coast Railway, 2R. 1633
Malta—Dock at, Resolution, 900
Mutiny, Comm. *cl.* 26, 1811
Navy Estimates—Scientific Departments, 1309, 1311, 1312, 1314

JERVOISE, Sir J. C., *Hampshire, S.*
Sheep, Vaccination of, 931

JOHNSTONE, Mr. H. A. B., *Canterbury*
Denmark and Germany — Integrity of the Danish Monarchy, 1939

JOLLIFFE, Rt. Hon. Sir W. G. H., *Petersfield*
Archway and Kentish Town Junction Road, 2R. 1064
Insane Prisoners Act Amendment, 2R. 582; Comm. *cl.* 2, 843, 849

Journals, Sub-Committee for the
Appointed *Feb* 4

Judgments, &c. Law Amendment Bill
(*Mr. Hadfield, Mr. Locke King, Mr. Powell*)
c. Ordered; read 1°* *Feb* 8 [Bill 3]

KELLY, Sir FITZROY, *Suffolk, E.*
Insane Prisoners Act Amendment, 2R. 583
Malt for Cattle, Leave, 226; 2R. 608; Comm. 1036
Townley, The Convict, 328

KER, Mr. D. S., *Downpatrick*
Ireland—Taxation of, Comm. moved for, 1216
Navy—The Channel Fleet, 1759

Kertch Prize Money
Question, Mr. J. Ewart; Answer, Mr. Hutt *Feb* 22, 858; Question, Sir John Hay; Answer, Lord Clarence Paget *Feb* 26, 1182; Return ordered, after short Debate, "of the names of the Flag Officers to whom the Kertch Grant has been distributed, with the proportions in which they share" (*Sir John Hay*), *Feb* 26, 1231; Question, Lord Chelmsford; Answer, The Duke of Somerset; Observations thereon *Mar* 7, 1530

KING, Hon. P. J. L., *Surrey, E.*
County Franchise, Leave, 933

KINGLAKE, Mr. A. W., *Bridgwater*
Address in Answer to the Speech, 150
Denmark and Germany — The Danish Succession—Warsaw Protocol, 825; Integrity of the Danish Monarchy, 881
Ionian Islands—Cession of the, 1088
Japan—Bombardment of Kagosima, Res. 371
Poland — Protocol of Warsaw and Treaty of London, Papers moved for, 1699
United States—Neutrality in America, 1928

KINNAIRD, Hon. A. F., *Perth*
Bank Acts (Scotland) Comm. Res. 471
China—Soochow, 1475
Government Annuities, Comm. 1528
Navy Estimates—Men and Boys, 1152;—Wages of Artificers at Home, 1982
Private Bills, Res. 1, 662; Res. 2, 664

Kitchen and Refreshment Rooms (House of Commons) Committee
Standing Committee appointed *Feb* 5:—Colonel French, Mr. Bentinck, Lord Robert Montagu, Mr. Dalglish, Colonel White, Mr. Onslow, and Mr. Alderman Rose (*Colonel French*)

KNOX, Hon. Major W. S., *Dungannon*
Ireland—State of, Res. 1891
Police in the Dockyards, 1931

KNOX, Lt.-Col. B. W., *Marlow*
Mutiny, Comm. *cl.* 26, 1811

LAIRD, Mr. J., *Birkenhead*
Chain Cables and Anchors, 2R. 682; Select Comm. moved for, 1361, 1362

LAIRD, Mr. J.—*cont.*
Chain Cables Proof Certificate, 1187 ;—Messrs. Brown, Lennox, and Co., 1458
Denmark and Germany — Integrity of the Danish Monarchy, 885
Holyhead Harbour—Vessels wrecked, &c., Return moved for, 425
Navy—Armour-plated Ships, 1757
Navy Estimates — Men and Boys, 1146 ; —Wages, 1298 ;—Wages of Artificers at Home, 1973

Land Drainage (Provisional Orders) Bill
(*Mr. Bruce, Sir George Grey*)
c. Ordered* ; read 1°* *Feb* 19 [Bill 25]
Read 2°* *Feb* 26
Committee and Report* *Mar* 7
Considered as amended* *Mar* 8
Read 3°* *Mar* 9
l. Read 1ª* (*Lord Stanley of Alderley*) *Mar* 10 (No. 27)

Land Securities Company (*Stamp Duty on Mortgage Debentures*)
Considered in Committee* *Mar* 11
Resolution (*Sir J. Fergusson*) thereon

Lands Clauses Act
Question, Mr. Alcock ; Answer, Mr. Milner Gibson *Feb* 29, 1249

Landed Property Improvement (Ireland) Act Amendment Bill
(*Mr. Longfield, Mr. Leader, Sir C. O'Loghlen*)
c. Ordered* *Feb* 5
Read 1°* *Feb* 8 [Bill 2]

LANGTON, Mr. W. H. G., *Bristol*
Insane Prisoners Act Amendment, Comm. *add. cl.* 847

LAWSON, Mr. W., *Carlisle*
Intoxicating Liquors, Leave, 1814

LAYARD, Mr. A. H. (Under Secretary for Foreign Affairs) *Southwark*
Address in Answer to the Speech, 147
Brazil—Diplomatic Relations with, 716, 717
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China—Capture of Soochow, 215,216 ;—Affairs of, 217, 1543 ; — Captain Osborn's Expedition, 860 ;—Mr. Lay, 1184
Denmark and Germany—The Danish Papers, 324, 330, 334, 335, 799, 861, 868, 1070, 1071, 1336 ;—Integrity of the Danish Monarchy, 466, 467 ; — Rumoured Armistice, 566 ;—Treaty of 1852—The Warsaw Protocol, 832 ; —Embargoes on Danish and German Shipping, 859 ;—Blockade of the German Ports, 1070 ;—The Danish Blockade, 1826, 1907
Egypt—Suez Canal, 1066
Ionian Islands—Demolition of the Fortresses, 566
Japan—Bombardment of Kagosima, Res. 376, 401, 1910 ; — The "Illustrated London News," Explanation, 717 ; — Case of Mr. Moss, 798
Jews in Morocco, 1454
Mazzini, M.—The Greco Conspiracy, 1932
[*cont.*

LAYARD, Mr. A. H.—*cont.*
Mexico—Affairs of, 793
"Pampero," The, 1544
Payne, Rev. Dr.—Claim on the Greek Government, 715
Poland — Protocol of Warsaw and Treaty of London, Papers moved for, 1702
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United States—The "Alexandra" and "Alabama," 323 ;—Correspondence with the Federal Government, 498 ;—American Cruisers, 566 ;—Murder of Mr. Gray, 567, 797 ;—Capture of the "Martaban," 793 ;—Capture of the "Chesapeake," 829 ;—Capture of the Barque "Science," 1334 ; — Island of San Juan, 1496
Vessels "El Tousson" and "El Monassia," Papers moved for, 977
White, Captain Melville, Case of, 495
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Leases and Sales of Settled Estates Act Amendment Bill [H.L.]
(*The Earl of Malmesbury*)
l. Presented, and read 1ª* *Mar* 11 (No. 30)

LEATHAM, Mr. E. A., *Huddersfield*
Assize Town for the West Riding Circuit, Address moved, 802

LEFEVRE, Mr. J. Shaw, *Reading*
Chain Cables and Anchors, 2R. 694
United States—The "Alabama,"—Capture of the "Martaban," 793 ;—Confederate Cruisers, Papers moved for, 1475, 1495

LEFROY, Mr. A., *Dublin University*
Vestry Cess Abolition (Ireland), 2R. 722

Legal Process
Petition of Mayor, &c., of Carlisle (*Lord Chelmsford*) *Mar* 10, 1754

LEIGHTON, Sir B., *Salop, S.*
Collection of Taxes, Leave, 241 ; 2R. 616
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Malt for Cattle, Leave, 229
Poor's Rate, Leave, 701

LEITRIM, Earl of
Irish Reproductive Loan Fund, 1899

LENNOX, Lord H. G. C. G., *Chichester*
Executions, Public, Papers moved for, 951
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LESLIE, Mr. W., *Aberdeenshire*
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China—Mr. Lay, 1184
Courts of Justiciary (Scotland), Comm. 1704
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LEWIS, Mr. J. H., *Marylebone*
Government Annuities, Comm. 1527, 1608

LIDDELL, Hon. G. H., *Northumberland, S.*
China—Affairs of, 1359, 1543
Japan—Bombardment of Kagosima, Res. 368

LINDSAY, Mr. W. S., *Sunderland*
Chain Cables and Anchors, 2R. 689; Select Comm. moved for, 1361
Harbours of Refuge, 1359
Navy Estimates — Wages, 1299, 1302;—Admiralty Office, 1302, 1303; Amendt. 1304, 1307; — Wages of Artificers Abroad, Adj. moved, 1785, 1788;—Wages of Artificers at Home, Amendt. 1958, 1978, 1981
Navy—Royal Commission on Dockyards, 903, 904; The Report, Res. 1073, 1079; Adj. moved, 1157

Lisburn Election Petitions
Select Committee:—William Edward Forster, esquire; Frederick North, esquire (Hastings); Henry Paull, esquire; William Stirling, esquire; Hugh Edward Adair, esquire, Chairman—*Mar* 9

LOCKE, Mr. J., *Southwark*
Insane Prisoners Act Amendment, Leave, 266
Mutiny, Comm. *cl.* 26, 1807, 1808
Railway Schemes (Metropolis), Comm. moved for, 298
Weights and Measures (Metric System), 2R. 1723, 1726

LONDON, Bishop of
Ecclesiastical Commissioners, Papers moved for, 165

London, Brighton, and South Coast Railway (Kemp Town Station and Lines) Bill (by Order)
Bill read 2°, after short Debate, *Feb* 16, 645

London, Brighton, and South Coast Railway (Additional Powers) Bill
c. Motion, "That the Bill be now read 2°" *Mar* 8, 1633
Amendt. to leave out 'now' and add "upon this day six months" (*Mr. Tite*); after short Debate, Question, "That 'now' &c." put, and agreed to; Bill read 2°, and committed

LONG, Mr. R. P., *Chippenham*
Diseased Cattle, 495
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LONGFIELD, Mr. R., *Mallow*
Conveyancers, &c. (Ireland), Comm. *cl.* 2, 1228
County Courts (Ireland), 2R. 1230
Ireland—Taxation of, Comm. moved for, 1121
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Rents (Ireland), 2R. 1024

LONGFORD, Earl of
Crawley, Colonel, Court Martial on—Deputy Judge Advocate, 1169

LOVAINE, Lord, *Northumberland, N.*
Navy—Case of Mr. Thomas, 1782
United States—Capture of British Ships, Papers moved for, 531

LOWE, Right Hon. R. (Vice President of the Committee of the Privy Council for Education), *Calne*
Charitable Estates and Trusts Acts, Returns moved for, 487, 488
Charity Commission — Salary of Secretary, 794
Education, Res. 1665, 1685; Report, 1823, 1824
Night Schools, Inspection of, 1824
Sheep, Vaccination of, 931
Training Colleges, 1184
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LYGON, Hon. F., *Worcestershire, West*
Navy Estimates—Coast Guard Service, 1307
Poor Relief Committee, Adj. moved, 1313
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MACDONOGH, Mr. F., *Sligo Bo.*
Insane Prisoners Act Amendment, Leave, 259, 261; 2R. 571; Comm. *cl.* 2, 836

MACEVOY, Mr. E., *Meath Co.*
Denmark and Germany—The Danish Papers, 1070, 1071
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MCMAHON, Mr. P., *Wexford Co.*
Conveyancers, &c. (Ireland), 2R. 595; Comm. *cl.* 2, Amendt. 1227, 1229; *cl.* 3, 1230
County Courts (Ireland), 2R. 1231
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MAGUIRE, Mr. J. F., *Dungarvon*
Ireland—Daunt's Rock, 1818;—State of, Resolution, 1886

MALINS, Mr. R., *Wallingford*
Charitable Estates and Trusts Acts, Returns moved for, 491
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MALMESBURY, Earl of
Denmark and Germany — Integrity of the Danish Monarchy, 302, 1061; — Invasion of Jutland, 1158
Royal Arcade, 2R. 855

Malt for Cattle Bill (COMMONS) }
Malt for Animals Bill (LORDS) }
(*Chancellor of the Exchequer, Mr. Peel, Mr. Hutt*)
Acts considered in Committee *Feb* 8
Resolution (*Chancellor of the Exchequer*), 225; after Debate, agreed to
Resolution reported *Feb* 9; Bill ordered
Read 1°* *Feb* 9 [Bill 6]
Bill read 2°, after long Debate, *Feb* 15, 596
[*cont.*

Malt for Cattle Bill—cont.
Committee
Moved "That Mr. Speaker do now leave the Chair" (*Mr. Chancellor of the Exchequer*) *Feb* 24 1025; after long Debate, Motion, agreed to
Bill considered in Committee:—R.P.
Considered in Committee *Feb* 26, 1218
cl. 1 (Malt may be made and used, free of Duty, in the Feeding of Animals)
Amendt. (*Mr. Bentinck*); after short Debate, withdrawn, 1218
Amendt. to insert "or with such other substance as may hereafter be approved by the said Commissioners" (*Mr. Caird*) agreed to.
cl. agreed to
cl. 2, 3, and 4 agreed to
cl. 5 (Maltster to provide room for grinding and mixing Malt)—Amendt. (*Mr. Chancellor of the Exchequer*) agreed to
cl. 6 (Malt to be mixed with Linseed Cake or Meal, &c.)—Amendt. "one-fifth" in lieu of "one-tenth" (*Sir John Hay*), 1219
Amendt. withdrawn;—*cl.* agreed to
Remaining clauses agreed to
new cl. (Permission to Agriculturists to Malt Barley) (*Sir Edward Dering*), 1220
After Debate, Amendt. withdrawn
Bill reported, *Feb* 26
Considered as amended * *Feb* 29
Read 3°* *Mar* 1
l. Read 1^{a}* (*The Lord President*) *Mar* (No. 16)

Malta, Admiralty Dock at
Question, Captain Talbot; Answer, Lord Clarence Paget *Feb* 12, 497; Observations, Captain Talbot; Reply, Lord Clarence Paget; Debate thereon, *Feb* 22, 889; Question, Sir John Hay; Answer, Lord Clarence Paget *Feb* 26, 1186; Question, Sir John Hay; Answer, Lord Clarence Paget *Mar* 11, 1826

Malta, Constitution of
Question, Sir George Bowyer; Answer, Mr. Chichester Fortescue *Feb* 5, 172; Question, Sir George Bowyer; Answer, Mr. Chichester Fortescue *Feb* 15, 565

Manners, Right Hon. Lord J. J. R., *Leicestershire, N.*
Address in Answer to the Speech, 136, 139
Controller of the Navy—Devonport Election, 1411
Denmark and Germany—The Danish Papers, 333, 799;—The proposed Conference, 1072, 1190, 1548
Factories, Sub-Inspectors of, 1756
Government Annuities, Comm. 1550
Great Eastern Northern Junction Railway, 2R. 711
Malt for Cattle, Comm. 1042; *add. cl.* 1226
Railway Schemes (Metropolis), Comm. moved for, 290
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Marine Mutiny Bill
(*Mr. Massey, Lord C. Paget, Mr. Stansfeld*)
Ordered* *Mar* 1
[*cont.*

Marine Mutiny Bill—cont.
Read 1°* *Mar* 4; read 2°* *Mar* 7
Committee; Report* *Mar* 10
Read 3°* and passed *Mar* 11
l. Read 1^{a}* (*Duke of Somerset*) *Mar* 14

Marsh, Mr. M. H., *Salisbury*
Civil Service and Miscellaneous Estimates, Res. 1338, 1359
Malt for Cattle, 2R. 608
Penal Servitude Acts Amendment, Leave, 784

Martin, Mr. P. W., *Rochester*
Turnpike Trusts, Comm. moved for, 1699

Massey, Mr. W. N. (Chairman of Committees), *Salford*,
Archway and Kentish Town Junction Road, 2R. 1065
Beckenham, Lewes, and Brighton Railway, 2R. 639
Caledonian, Edinburgh and Glasgow, &c., Railway Companies, 2R. 642
Great Eastern Northern Junction Railway, 2R. 711
Great Northern Railway (No. 3), 2R. 643
Harwich Corporation, 2R. 645
Navy Estimates—Wages, 1282;—Admiralty Office, 1305;—Wages of Artificers Abroad, 1785, 1786
Private Bills, Res. 1, 658
Railway Companies Powers, Comm. moved for, 300
Railway Schemes (Metropolis), Comm. moved for, 288

Mazzini and the Greco Conspiracy
M. Mazzini—The Alien Act, Question, The Marquess of Westmeath; Answer, Earl Russell *Feb* 29, 1242
M. Mazzini—The Greco Conspiracy, Question, Mr. Cox; Answer, Mr. Stansfeld *Feb* 29, 1255; Question, Sir Lawrence Palk; Answer, Mr. Layard; Debate thereon, *Mar* 14, 1931

Metropolis (Protection against Fire)
Question, Sir Minto Farquhar; Answer, Sir George Grey, *Feb* 15, 564

Metropolitan Subways Bill
(*Mr. Tite, Mr. T. J. Miller, Mr. Doulton*)
Ordered * *Mar* 3 [Bill 42]

Mexico, Affairs of
Question, Mr. Somerset Beaumont; Answer, Mr. Layard *Feb* 19, 793

Miles, Sir W., *Somersetshire, E.*
Cattle Diseases Prevention, 2R. 1752
Counsel's Fees in Parliament, 1252
Penal Servitude Acts Amendment, 2R. 1518
Speke, Captain, Services of, 1453, 1454
Yeomanry Cavalry, Res. 1387, 1388

Miller, Mr. W., *Leith*
British cured Herrings, 1904

MILLS, Mr. A., *Taunton*
Courts of Justice, Concentration of, 1756
London, Brighton, and South Coast Railway, 2R. 1634
New Zealand Loan, 1187;—Correspondence, 1367

MILLS, Mr. J. R., *Chepping Wycombe*
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MITFORD, Mr. W. T., *Midhurst*
Education, Res. 1672, 1676
Malt for Cattle, Comm. *cl.* 6, 1219

MONCREIFF, Right Hon. J., *see* ADVOCATE, The LORD

MONTAGU, Lord R., *Huntingdonshire*
Denmark and Germany — Integrity of the Danish Monarchy, 881
Great Northern Railway (No. 3), 2R. Amendt. 642
Japan—Bombardment of Kagosima, Res. 363
Malt for Cattle, 2R. 604; Comm. 1043; *add cl.* 1224
Navy Estimates—Men and Boys, 1144;—Scientific Departments, 1308, 1310
United States—Capture of the "Saxon," 1365; —Confederate Cruisers, Papers moved for, 1484, 1487

MOORE, Mr. J. B., *Lincoln*
Penal Servitude Acts Amendment, 2R. 1525

Morocco, The Jews in
Question, Mr. Alderman Salomons; Answer, Mr. Layard *Mar* 4, 1454

MORRITT, Mr. W. J. S., *Yorkshire, North Riding*
Circuits of the Judges, 795
Malt for Cattle, 2R. 602; Comm. 1045
Townley, The Convict, 1185

Mutiny Act
Question, Colonel North; Answer, Mr. Headlam *Mar* 8, 1648

Mutiny Bill
(*Mr. Massey, The Marquess of Hartington, The Judge Advocate General*)
Ordered; read 1° * *Mar* 4
Read 2° * *Mar* 7
Considered in Committee *Mar* 10
cl. 1 to 21 agreed to
cl. 22 (Power to inflict Corporal Punishment), 1797
Objected to (*Mr. Cox*)
After Debate, Question put, "That the Clause stand part of the Bill:"—A. 55, N. 42; M. 3: *cl.* agreed to
cl. 23 to 25 agreed to
cl. 26 (Branding) 1806
Objected to (*Mr. Cox*)
After Debate, Question put, "That the Clause stand part of the Bill:" — A. 80, N. 50; M. 30: *cl.* agreed to, 1806
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Mutiny Bill—cont.
Remaining Clauses and Preamble agreed to
Bill reported
Considered as amended * *Mar* 11
Read 3°* and passed *Mar* 14

NAAS, Right Hon. Lord, *Cockermouth*
China—Affairs of, 216
Ireland—State of, Res. 1891
Penal Servitude Acts Amendment, Leave, 748
Queen's College, Cork, 715, 716
Vestry Cess Abolition (Ireland), 2R. 721
Watching of Towns (Ireland), 2R. 1711

Naval Agency and Distribution Bill
(*Lord Clarence Paget, Mr. Stansfeld.*)
Ordered * *Mar* 1
Read 1° * *Mar* 2 [Bill 39]

Naval Prize Bill
(*Lord Clarence Paget, Mr. Stansfeld.*)
Ordered *Mar* 1 *
Read 1°* *Mar* 2 [Bill 41]

Naval Prize Acts Repeal Bill
(*Lord Clarence Paget, Mr. Stansfeld.*)
Ordered * *Mar* 1
Read 1° * *Mar* 2 [Bill 40]

Navy
Artillery, Marine, Question, The Earl of Hardwicke; Answer, The Duke of Somerset, Debate thereon *Feb* 9, 311; Observations, Mr. H. Berkeley, 1762; Answer, Lord Clarence Paget *Mar* 10, 1778
Armour-Plated Ships, Question, Mr. Laird; Answer, Lord Clarence Paget *Mar* 10, 1757
Channel Fleet, The, Question, Mr. Ker; Answer, Lord Clarence Paget *Mar* 10, 1759
Cork, Naval Establishment at, Question, Mr. Whiteside; Answer, Lord Clarence Paget *Feb* 9, 325
Curtis's Steering Screw—Propelling and Steering Steam Ships, Petition from Mr. W. J. Curtis, presented (*The Earl of Hardwicke*); Observations, The Duke of Somerset *Mar* 8, 1622
Dockyard Patronage, Question, Sir James Elphinstone *Mar* 14, 1914
M'Killop's, Captain, Cofferdam, Question, Sir John Hay; Answer, Lord Clarence Paget *Feb* 29, 1251
Gunboats, Contracts for, Question, Mr. Ferrand; Answer, Lord Clarence Paget *Mar* 3, 1366
Malta—Admiralty Dock at—see *Malta*
Our Naval Force—Resolution—Amendment on Committee of Supply *Feb* 25, to leave out from "That" and add "in the opinion of this House, the great changes in naval warfare, and the critical state of our foreign relations, require the most vigorous and immediate national efforts, on a scale calculated to maintain the maritime supremacy of England" (*Sir John Walsh*), 1088
After Debate, Amendt. withdrawn *Feb* 25
Navy Estimates, Question, Mr. Bentinck; Answer, Lord Clarence Paget *Feb* 22, 860
Navy Estimates—see *Supply*
[*cont.*

- *Navy*—cont.
  - *Lively, Wreck of H.M. Gunboat,* Question, Mr. Richard Hodgson ; Answer, Lord Clarence Paget *Feb* 5, 171 Explanation, Lord Clarence Paget, *Feb* 9, 325 ; *"Lively" and the "Prince Consort,"* Question, Sir James Elphinstone, 1767 ; Answer, Lord Clarence Paget *Mar* 10, 1776
  - *Police in the Dockyards,* Question, Major Knox *Mar* 14, 1931
  - *School of Naval Architecture,* Question, Sir John Pakington *Mar* 14, 1914
  - *New Zealand, Correspondence,* Question, Mr. Arthur Mills ; Answer, Mr. Chichester Fortescue, *Mar* 3, 1367
  - *New Zealand Loan,* Question, Mr. Arthur Mills ; Answer, Mr. Chichester Fortescue, *Feb* 26, 1187
  - *Norfolk Rifle Volunteers,* Question, Mr. Bentinck ; Answer, The Marquess of Hartington *Mar* 10, 1755
  - *Ordnance Survey, The Civil Assistants,* Question, Mr. Vance ; Answer, Mr. Peel, *Feb* 29, 1250

- NEATE, Mr. C., *Oxford City*
  - Conveyancers, &c. (Ireland), Comm. *cl.* 2, 1228
  - Denmark and Germany—Integrity of the Danish Monarchy, 885
  - Insane Prisoners Act Amendment, Leave, 263 ; Comm. *cl.* 2. 835, 839
  - Malt for Cattle, Comm. *add. cl.* 1225
  - Mutiny, Comm. *cl.* 26, 1812

- NEWDEGATE, Mr. C. N., *Warwickshire, N.*
  - Address in Answer to the Speech, 157
  - Cattle Diseases Prevention, 2R. 1751
  - Civil Service and Miscellaneous Estimates, Res. 1357
  - Denmark and Germany—The Province of Jutland, 799
  - Government Annuities, Comm. 1528, 1596
  - Malt for Cattle, Leave 230 ; 2R. 615 ; Comm. 1035
  - Penal Servitude Acts Amendment, Leave, 779, 780
  - St. Mary's Burial Ground, Sydenham, 1827
  - Speke, Captain, Services of, 1454
  - Taxation and Expenditure, 477

- *New Members Sworn*
  - *Feb* 4. Hon. Frederick Lygon, *Worcester County*
    - Robert Bateson Harvey, esq., *Buckingham County*
    - William Henry Humphery, esq., *Andover*
    - John Peel, esq., *Tamworth*
    - Thomas Lloyd, esq., *Barnstaple*
    - Samuel Waterhouse, esq., *Pontefract*
    - George John Shaw Lefevre, esq., *Reading*
    - Colonel Richard Henry Richard Howard Vyse, *New Windsor*
    - Charles Neate, esq., *Oxford City*
    - Sir William Augustus Fraser, bart., *Ludlow*
    - Hon. Charles Richard Douglas Hanbury Tracy, *Montgomery Borough*
    - Sir Colman Michael O'Loghlen, bart., *Clare County*

[*cont.*

- *New Members Sworn*—cont.
  - *Feb* 5. Sir Robert Porrett Collier, knight, *Plymouth*
    - Sir Roundell Palmer, knight, *Richmond*
  - *Feb* 11. John Reginald Yorke, esq., *Tewkesbury*
  - *Feb* 12. Thomas Fleming, esq., *Winchester*
    - John Henderson, esq., *Durham City*
  - *Feb* 18. Henry Moor, esq., *Brighton*
  - *Mar* 2. John Floyer, esq., *Dorset*

- *New Writs during the Recess*
  - *For* Montgomery Borough, *v.* John Samuel Willes Johnson, esquire, deceased
  - *For* Ludlow, *v.* Beriah Botfield, esquire, deceased
  - *For* Coventry, *v.* Right Hon. Edward Ellice deceased
  - *For* Tamworth, *v.* Viscount Raynham, now Marquess Townshend
  - *For* Plymouth, *v.* Robert Porrett Collier, esquire, Solicitor General
  - *For* Richmond, *v.* Roundell Palmer, Attorney General
  - *For* Reading, *v.* Gillery Pigott, esquire, one of the Barons of the Court of Exchequer
  - *For* Barnstaple, *v.* George Potts, esquire, deceased
  - *For* Worcester County (Western Division), *v.* Viscount Elmly, now Earl Beauchamp
  - *For* New Windsor, *v.* George William Hope, esquire, deceased
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- *New Writs ordered*
  - *Feb* 4—*For* Durham City, *v.* Sir William Atherton, deceased
  - *Feb* 4—*For* Tewkesbury, *v.* the Hon. Frederick Lygon, Manor of Hempholme
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Penal Servitude Acts Amendment Bill
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Charge on Landed Property for the Relief of the Sick and Destitute, known by the name of Poor's Rate" (*Colonel Bernard*), *Feb* 17, 695; after Debate, Motion withdrawn

Poor Relief—Select Committee
Select Committee appointed *Feb* 19, "To inquire into the administration of the Relief of the Poor under the Orders, Rules, and Regulations issued by the Poor Law Commissioners and the Poor Law Board, pursuant to the provisions of the Poor Law Amendment Act, and into the operation of the Laws relating to the Relief of the Poor" (*Mr. Villiers*)
Committee nominated *Feb* 24:—Mr. Villiers, Sir John Acton, Mr. Bazley, Mr. Bouverie, Sir George Bowyer, Mr. Caird, Lord Robert Cecil, Lord Fermoy, Lord Edward Howard, Sir William Jolliffe, Mr. Locke, Mr. Lowe, Mr. Lyall, Mr. Kekewich, Mr. Neate, Colonel Pennant, Mr. Alderman Sidney, Mr. Tollemache, and Mr. Walpole
After short Debate Mr. Buller *added Feb* 29; Sir William Miles *added Mar* 2; Mr. Ayrton *added Mar* 9

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Private Bills (LORDS)
Standing Order Committee on, appointed *Feb* 9, Committee:—Lord President, D. Somerset, M. Winchester, M. Bath, M. Ailesbury, L. Steward, E. Devon, E. Airlie, E. Hardwicke, E. Carnarvon, E. Romney, E. Chichester, E. Powis, E. Verulam, E. De Grey, E. Stradbroke, E. Amherst, L. Chamberlain, V. Eversley, L. Camoys, L. Saye and Sele, L. Colville of Culross, L. Ponsonby, L. Wycombe, L. Sondes, L. Foley,
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Private Bills, Opposed (LORDS)
The Lords following—namely, L. Colville of Culross, L. Ponsonby, L. Colchester, L. Stanley of Alderley, were appointed *, with the Chairman of Committees, a Committee to select and propose to the House the names of the Five Lords to form a Select Committee for the Consideration of each Opposed Private Bill *Feb* 25

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Resolutions (*The President of the Board of Trade*) *Feb* 16
First Resolution, 645
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Amendt. (*Mr. Hadfield*); Question put, "That those words be there added," A. 42, N. 65, M. 23
Main Question put, and agreed to
Third Resolution, 664
Amendt. (*Mr. R. Hodgson*); after Debate, Question put, "That the words, &c." A. 135, N. 4; M. 131
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"That the Speaker be requested to revise the list of charges for Parliamentary Agents; after short Debate, agreed to
Sixth Resolution, 676; after short Debate, agreed to
Seventh Resolution, 677
Amendt. proposed, to leave out "eleven" and insert "twelve" (*Mr. Hassard*); after short Debate, Amendment, and Motion, by leave, withdrawn

Private Bills — Fees to Parliamentary Counsel
Questions, Sir William Miles, Mr. Hadfield; Answer, Mr. Milner Gibson *Feb* 29, 1252; —Question, Colonel Wilson Patten; Answer, Mr. Milner Gibson *Mar* 8, 1654

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Proxy Papers—cont.
might conveniently be reduced to one penny" (*Mr. Darby Griffith*) *Mar* 4, 1459
After short Debate, Amendment withdrawn

Public Accounts
Committee on Public Accounts nominated:—Mr. Walpole, Mr. Edward Pleydell Bouverie, Sir Henry Willoughby, Mr. Goschen, Mr. Howes, Mr. Peel, Sir Stafford Northcote, Mr. Cobden, and Mr. Pollard - Urquhart —*Mar* 7

Public Buildings — Rates and Taxes on Officers occupying
Question, Colonel North; Answer, The Marquess of Hartington *Mar* 10, 1761

Public Executions
Motion for an Address for Papers (*Mr. Hibbert*) *Feb* 23, 941
After Debate, Motion withdrawn

Punishment of Rape Bill
(*The Marquess of Westmeath*)
c. Bill presented, and, after short Debate, read 1ª *Mar* 7, 1529 [No. 22]

Rags, Export Duty on
Question, Lord Stanley; Answer, Mr. Layard *Feb* 19, 794

Railway Schemes (*Metropolis*)
Question, The Earl of Powis; Answer, Earl Granville *Feb* 5, 159
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Railway Schemes (*Metropolis*) (LORDS)
Message from the Commons *Feb* 9, 311
Commons' Message considered *Feb* 11, 454
After Debate, "Select Committee appointed to join with the Select Committee appointed by the Commons, as mentioned in the said Message, to consider the best Method of Dealing with the Railway Schemes proposed to be sanctioned within the Limits of the Metropolis by Bills to be introduced in the present Session, and to report their Opinion whether any, and, if any, what Schemes should not be proceeded with during the present Session" (*Earl Granville*), *Feb* 11, 454
Committee:—Lord President, E. Romney, V. Eversley, L. Redesdale, L. Stanley of Alderley. Message sent to the Commons.

Joint Select Committee
Message from the Commons *Feb* 12, 493
Ordered—"That the Select Committee appointed by this House to join with the Select Committee appointed by the Commons to consider the Metropolitan Railway Schemes, have Power to agree in the Appointment of a Chairman of such Committee."
Report of the Select Committee of last Session referred to Select Committee, *Feb* 15
Report from the Select Committee presented [*cont.*

Railway Schemes Metropolis—cont.
(*The Lord President*); Observations, Earl Granville, *Feb* 29, 1243
Report to be printed (No. 10)
Report of the Select Committee considered, *Mar* 7, 1540
Motion thereon

Railway Schemes (*Metropolis*) (COMMONS)
Motion "That a Select Committee be appointed to consider the best method of dealing with the Railway Schemes proposed to be sanctioned within the limits of the Metropolis by Bills to be introduced in the present Session, and to report their opinion whether any, and, if any, what schemes should not be proceeded with during the present Session" (*Mr. Milner Gibson*) *Feb* 8, 283
Motion, "That the Debate be now adjourned" (Sir John Shelley), 293
After long Debate, Motion withdrawn
Main Question put, and agreed to
Committee nominated;—Mr. Milner Gibson, Lord Stanley, Mr. Massey, Colonel Wilson Patten, and Mr. Herbert
Message to be sent to the Lords, "That this House hath appointed a Committee, consisting of Five Members, to join with a Committee of the Lords," 299
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Message from the Lords "that they have appointed a Select Committee to join with a Committee of this House," brought up (*Mr. Milner Gibson*) *Feb* 12
Order made thereon, "That the Committee have power to agree to the appointment of a Chairman of the joint Committee."
Report of the Select Committee *Feb* 29 (No. 87)
Motion, "That the following Bills be not proceeded with in the present Session—namely, Victoria Station and Thames Embankment Railway, Oxford Street and City Railway, London Main Trunk Underground Railway, Charing Cross (Northern) Railway, Charing Cross (Western) Railway, Tottenham and Hampstead Junction Railway (Extension to Charing Cross), London Union Railways, Tottenham and Farringdon Street Railway" (*Mr. Milner Gibson*) *Mar* 8, 1634
Amendt. proposed, after "London Main Trunk Underground Railway," to insert "except Schemes Nos. 1 and 2" (*Mr. Ayrton*), 1640; Question, "That those words be there inserted," put, and negatived; Amendt. proposed, to leave out "Charing Cross (Western) Railway" (*Sir Joseph Paxton*), 1642; Question "That the words, &c., put, and agreed to *Mar* 8
Amendt. to add "and so much of the Metropolitan District Railways Bill, No. 33, as refers to the proposed works situated to the eastward of Blackfriars Bridge, together with the Metropolitan District Railways Bill, No. 34" (*Mr. Crawford*), 1644
Question put, "That those words be there added;" A. 76, N. 277; M. 201
Main Question put and agreed to *Mar* 8

Railway Companies Borrowing Powers
Question, The Earl of Donoughmore; Answer, Earl Granville *Mar* 1, 1317

Railway Companies' Powers Bill
(*Mr. Milner Gibson, Mr. Hutt*)
Ordered * *Feb* 16
Read 1° * *Feb* 22 [Bill 30]

Railways (Facilities for Construction) Bill
(*Mr. Milner Gibson, Mr. Hutt*)
Ordered * *Feb* 16
Read 1° * *Feb* 22 [Bill 29]

Railway Companies Powers
Select Committee appointed *Feb* 8, "To inquire and report whether it is expedient that Railway Companies shall be authorized, and, if so, upon what conditions, to construct or enlarge, purchase, or take on lease, or otherwise appropriate, any Dock, Pier, Harbour or Ferry, or to acquire, provide, and use any Steam Vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects distinct from the undertaking of a Railway Company (*Mr. Massey*), 300
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Registration of County Voters,
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Committee nominated *Feb* 16
Viscount Enfield nominated, *Feb* 16, 681
Motion, "That Mr. Walter be one other Member of the said Committee."
Motion "That the Debate be now adjourned" (*Colonel French*), A. 6, N. 48; M. 42
Mr. Walter, Mr. Dodson, Mr. Hunt, Mr. Algernon Egerton, Mr. Henry Austin Bruce, Viscount Ingestre, Mr. Sclater-Booth, Mr. Locke King, Sir Edward Colebrooke, Mr. Longfield, Mr. Collins, Mr. Locke, Mr. Evans, and Mr. Charles Wynn nominated other Members of the Committee (*Mr. Dodson*). Instructions (*Mr. Hunt*) agreed to

Regius Professor of Greek at Oxford, Stipend of the
Question, Mr. G. Clive; Answer, The Chancellor of the Exchequer *Mar* 10, 1758

Rents (Ireland) Bill
(*Mr. Longfield, Mr. Leader, Sir C. O'Loghlen*)
Ordered * *Feb* 5
Read 1° * *Feb* 8 [Bill 1]
Order for second reading discharged; Bill withdrawn *Feb* 24, 1024

Ridley, Sir M. W., *Northumberland, N.*
Malt for Cattle, Comm. *add. cl.* 1226
Yeomanry Cavalry, Res. 1382

Robertson, Mr. H., *Shrewsbury*
Railway Schemes (Metropolis), Res. 1647

Roebuck, Mr. J. A., *Sheffield*
Assize Town for the West Riding Circuit, Address moved, 814
Egypt—Suez Canal, 1066
Germany and Denmark—The Danish Succession, 833; — Integrity of the Danish Monarchy, 876
Government Annuities, Comm. 1593
Great Northern Railway (No. 3), 2R. 643
Japan—Bombardment of Kagosima, Res. 392
Police Spy System — Report of Inspectors, 1388
Sheffield, Inundation at, 1909
United States—Neutrality in America, 1916, 1926

Rogers, Mr. J. J., *Helston*
Highway Act, 713

Romney, Earl of
Clerks of the Peace, 708

Rose, Mr. Ald. W. A., *Southampton*
Chain Cables and Anchors, 2R. 688
Insane Prisoners Act Amendment, 2R. 588, 590
Mazzini, M.—The Greco Conspiracy, 1260

Royal Academy, Report of the Commissioners on—The Exhibition Building
Question, Lord Elcho; Answer, Mr. Cowper *Feb* 19, 793

Royal Arcade Bill
Moved, "That the Bill be now read 2ª" (*Lord Redesdale*), 849
Amendment moved to leave out "now," and insert "this Day Six Months" (*The Earl of Derby*)
After Debate, on Question, That "now" stand part of the Motion; resolved in the Negative; and Bill to be read 2ª on this Day Six Months *Feb* 22

Russell, Earl (Secretary of State for Foreign Affairs)
Address in Answer to the Speech, 41, 43, 70
China—Death of Lieut. Tinling, 451
Conspiracy against the Emperor of the French, 1242
Denmark and Germany—Integrity of the Danish Monarchy, 308, 309, 558, 1062;—Invasion of Jutland, 1159; 1161;—The Corre-

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Russell, Earl—*cont.*
  spondence, 1616, 1619, 1621 ;—Austrian Fleet in the Baltic, 1628, 1631
  United States—Correspondence with the Federal Government, 310, 311, 436, 438 ;—Explanation, 544, 548, 549, 1056, 1059, 1061 ; —British and American Claims, Returns moved for, 624, 627, 629, 634 ;—Federal Recruiting in Ireland, Papers moved for, 1324
  White, Captain Melville, Case of, 302, 1063

Russell, Mr. F. C. Hastings, *Bedfordshire*
  County Franchise, Leave, 941

Salisbury, Marquess of
  Penal Servitude, Returns moved, 919

Salmon Fisheries (England) Act, 1861
  Question, Mr. Dutton ; Answer, Sir George Grey *Feb* 9, 323

Salomons, Mr. Alderman D., *Greenwich*
  Cattle Diseases Prevention, 2R. 1752
  Government Annuities, Comm. 1595
  Government Buildings, 1068
  Great Eastern Northern Junction Railway, 2R. 711
  Jews in Morocco, 1454
  Mutiny, Comm. *cl.* 22, 1803
  Navy Estimates—Scientific Departments, 1309, 1310 ;—Naval Establishments at Home, 1314, 1315

Sat first in Parliament
  Feb 4. The Lord Chesham
    James Molyneux Lord Charlemont, after the death of his Uncle
    The Lord Sandys
    The Marquess of Normanby
  Feb 16. The Lord Brodrick, after the death of his Brother
  Mar 1. The Earl Strange, after the death of his Father
  Mar 4. The Marquess of Lansdowne, after the death of his Father

Schools of Art
  Select Committee appointed *Mar* 8, "To inquire into the constitution and working, and into the success, of the Schools of Art wholly or partially supported by Government Grants, or otherwise assisted by the Government, and into the system upon which the sums granted by Parliament for the promotion of National Education in Art are distributed and administered" (*Sir Stafford Northcote*)
  Committee nominated *Mar* 16, Sir Stafford Northcote, Mr. Lowe, Mr. Adderley, Mr. Edward Egerton, Mr. Tite, Mr. William Ewart, Mr. Bazley, Mr. Trefusis, Mr. Cave, Mr. Maguire, Mr. Gregson, Mr. Arthur Mills, Mr. Crum-Ewing, and Mr. Potter

Sclater-Booth, Mr. G., *Hampshire, N.*
  Jersey, Laws of, 1069
  Malt for Cattle, Leave, 228
  Night Schools, Inspection of, 1824

Scourfield, Mr. J. H., *Haverfordwest*.
  Insane Prisoners Act Amendment, 2R. 573
  Private Bills, Res. 1, 661
  Railway Schemes (Metropolis), Comm. moved for, 293
  Turnpike Trusts, Comm. moved for, 1699

Scully, Mr. V., *Cork Co.*
  Ireland—The Constabulary, 1816, 1817 ;—Daunt's Rock, 1817, 1818 ;—Outrages in, 1902

Seely, Mr. C., *Lincoln*
  Navy Estimates—Admiralty Office, 1307 ;—Wages of Artificers at Home, 1967

Select Vestries
  l. Bill, *pro formâ*, read 1ª* *Feb* 4

Selection, Committee of
  Committee nominated *Feb* 11, Mr. Dunlop, Mr. Herbert, Mr. Bonham-Carter, Lord Hotham, Mr. Mowbray, and the Chairman of the Select Committee on Standing Orders

Selwyn, Mr. C. J., *Cambridge University*
  Railway Schemes (Metropolis), Comm. moved for, 294

Seymour, Mr. H. Danby, *Poole*
  Ecclesiastical Courts, 1784
  Mutiny, Comm. *cl.* 22, 1803, 1804

Seymour, Mr. W. Digby, *Southampton*
  Insane Prisoners Act Amendment, 2R. 575

Shaftesbury, Earl of
  Crawley, Colonel, Court Martial on — Deputy Judge Advocate, 1171
  Denmark and Germany—Austrian Fleet in the Baltic, 1627
  White, Captain Melville, Case of, 302

Sheffield, Inundation at
  Question, Mr. Roebuck ; Answer, Sir George Grey *Mar* 14, 1909

Shelley, Sir J. V., *Westminster*
  Army—Appointment of Lt.-Gen. Gough to the 2nd Dragoons, 823
  Beckenham, Lewes and Brighton Railway, 2R. 635, 639
  Bridge Street, Westminster, 1185
  Great Eastern Northern Junction Railway, 2R. 712
  London, Brighton, and South Coast Railway, 2R. 645
  Railway Schemes (Metropolis), Comm. moved for, Adj. moved, 291, 299 ; Res. 1643

Sheridan, Mr. H. B., *Dudley*
  Government Annuities, 717, 796 ; Comm. 1526, 1549, 1581 ; Explanation, 1658, 1759

Sheridan, Mr. H. B., see *Government Annuities Bill*

SIDNEY, Mr. Ald. T., *Stafford*
Executions, Public, Papers moved for, 950

Sir John Lawrence's Salary Bill
(*Mr. Massey, Sir Charles Wood, Mr. Baring*)
Considered in Committee; Resolution *Feb* 8, 222
Resolution reported * *Feb* 9; Bill ordered
c. Read 1° * *Feb* 9 [Bill 10]
Read 2° * *Feb* 11
Committee and Report * *Feb* 12
Read 3° *, and passed, *Mar* 3
l. Read 1ª * (*Duke of Argyll*) *Mar* 4 (No. 20)
Read 2ª, after short Debate, *Mar* 7, 1539
Committee and Report * *Mar* 8
Read 3ª * *Mar* 10

Slave Trade
Question, Mr. Cave; Answer, Viscount Palmerston *Feb* 26, 1191; Question, Lord Alfred Churchill; Answer, Mr. Layard *Mar* 14, 1902

SLIGO, Marquess of
Address in Answer to the Speech, 7

SMITH, Gen. Sir J. M. F., *Chatham*
Chain Cables and Anchors — Messrs. Brown, Lennox, and Co., 1458
Church and Schools at Brompton, 1277, 1280
Denmark and Germany—Integrity of the Danish Monarchy, 875
Dockyards Commission, 907; The Report, Res. 1077, 1081
Navy—Armament of the, 1783
Navy Estimates — Wages, 1285; — Admiralty Office, 1303;—Wages of Artificers abroad, 1789;—Wages of Artificers at Home, 1961

SMITH, Mr. Augustus, *Truro*
FitzRoy's, Adm., Weather predictions, 1818
Navy Estimates — Wages, 1284; — Scientific Departments, 1308, 1310, 1311
Supply—The Scheldt Toll, 1791

SMITH, Mr. J. B., *Stockport*
Weights and Measures (Metric System), 2R. 1738

SMITH, Mr. Montague E., *Truro*
Courts of Justice, The New, 496
Insane Prisoners Act Amendment, 2R. 577; Comm. *cl.* 2, 841

SMOLLETT, Mr. P. B., *Dumbartonshire*
India—The Hill Tribes, 462

SMYTH, Col. J. G., *York City*
Assize Town for the West Riding Circuit, Address moved, 815

SOLICITOR GENERAL, The (Sir R. P. Collier) *Plymouth*
United States — Capture of British Ships, Papers moved for, 532; — Confederate Cruisers, Papers moved for, 1490
Vessels "El Tousson" and "El Monassia," Papers moved for, 978, 1007

SOMERSET, Duke of (First Lord of the Admiralty)
Denmark and Germany—The Austrian Fleet, 1901
China—Death of Lieut. Tinling, 444, 449, 454
Curtis's Steering Screw, 1623
Kertch and Yenikale Prize Money, 1535, 1538, 1539
Navy—Marine Artillery, 314

SPEAKER, The (Rt. Hon. J. E. Denison), *Nottinghamshire, N.*
Army—Instruction of Soldiers in Trades, 1416
Dockyards, Royal Commission on, 903, 904; The Report, 1077
Government Annuities, Comm. 1549
Ireland—The Constabulary, 1816
Malt for Cattle, Comm. 1026
Navy Estimates—1912, 1913
Private Bills, Res. 3, 671; Res. 5, 676, 680

Speke, Captain, Services of
Questions, Sir William Miles, Mr. Newdegate; Answer, Viscount Palmerston *Mar* 4, 1453

Standing Orders
Samuel Smith, esq., and Charles Frere, esq., appointed Examiners for this Session *Feb* 4

Standing Orders
Select Committee nominated, *Feb* 11: — Colonel Wilson Patten, Mr. Walpole, Mr. Henley, Mr. Wrightson, Mr. Herbert, Mr. Bramston, Mr. Bonham-Carter, Mr. Lefroy, Mr. Dunlop, Mr. Puller, and Mr. Edward Egerton—Mr. Paget added *Feb* 24

STANHOPE, Mr. J. Banks, *Lincolnshire, N.*
Malt for Cattle, Comm. 1033

STANLEY, Right Hon. Lord, *King's Lynn*
Government Annuities, Comm. 1589, 1591
Great Eastern Northern Junction Railway, 2R. 711
Lawrence's Sir J., Salary, Comm. 224
Rags, Export Duty on, 794
Railway Schemes (Metropolis), Comm. moved for, 286; Res. 1642

STANLEY OF ALDERLEY, Lord (Postmaster General)
Hill, Sir R., Resignation of, 1626
Railway Schemes (Metropolis), 311

STANSFELD, Mr. J. (Lord of the Admiralty), *Halifax*
Mazzini M.—The Greco Conspiracy, 1255, 1257, 1258, 1259
Navy Estimates—Men and Boys, 1131, 1156, 1157;—Wages, 1299, 1302;—Admiralty Office, 1303;—Wages of Artificers at Home, 1942, 1979

Stansfeld, Mr.,—M. Mazzini—The Greco Conspiracy
Question, Mr. Cox; Answer, Mr. Stansfeld *Feb* 29, 1255; Question, Sir Lawrence Palk; Answer, Mr. Layard: Debate thereon *Mar* 14, 1931

St. Asaph, Bishop of
Ecclesiastical Commissioners, Papers moved for, 167

St. Germans, Earl of (Lord Steward of the Household)
Royal Arcade, 2R. 853
Vestry Cess Abolition (Ireland), 2R. 1900

St. James's Park, Road round
Observations, Sir William Fraser; Reply, Mr. Cowper *Mar* 11, 1894

St. Leonards, Lord
Insane Prisoners Act Amendment, 2R. 1243

St. Mary's Burial Ground at Sydenham
Question, Sir George Grey; Answer, Mr. Newdegate *Mar* 11, 1827

Stewart, Sir M. R. S., *Renfrewshire*
Cattle Diseases Prevention, 1455; 2R. 1753

Stracey, Sir H. J., *Great Yarmouth*
Malt for Cattle Bill, 2R. 596
Navy Estimates — Naval Establishments at Home, 1315

Stratford de Redcliffe, Viscount
Denmark and Germany—The Correspondence, 1619;—Joint Action of European Powers, 1899

Stratheden, Lord
Army—Military Commissioners in North America, 856
Denmark and Germany—Integrity of the Danish Monarchy, 550

Stuart, Lieut. Col. W., *Bedford*
Collection of Taxes, Leave, 241
Mutiny, Comm. *cl.* 22, 1804

Sullivan, Mr. M., *Kilkenny Bo.*
Watching of Towns (Ireland), 2R. 1720

Summary Procedure (Scotland) Bill
(*The Lord Advocate, Sir G. Grey, Sir W. Dunbar*)
c. Ordered* *Feb* 22; read 1° * *Feb* 23
Read 2° * *Mar* 11 [Bill 32]

SUPPLY—

Lords Commissioners' Speech considered *Feb* 8
Motion, "That a Supply be granted to Her Majesty" (*Mr. Peel*) agreed to;—to be considered in a Committee of the Whole House
Lords Commissioners' Speech referred, and Motion considered *Feb* 9
Resolved, "That a Supply be granted to Her Majesty
Resolution reported, and agreed to *Nem. Con.* *Feb* 11
Considered in Committee *Feb* 12—R. P.*
Considered in Committee *Feb* 19—R. P.*
Considered in Committee; Navy Estimates *Feb* 22—R. P.*

[*cont.*

Supply—cont.
Considered in Committee; Navy Estimates—Statement of Lord Clarence Paget on proposing the First Resolution, 1103
Order for Committee read;—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair" *Feb* 26; Amendment for a Select Committee on Taxation of Ireland (*Colonel Dunne*) agreed to *Feb* 29
Considered in Committee; Navy Estimates *Feb* 29
Considered in Committee; Army Estimates *Mar* 3; Statement of The Marquess of Hartington on moving the First Resolution, 1416
Considered in Committee; Army Estimates *Mar* 4—R. P.*
Considered in Committee; Navy Estimates; Scheldt Toll; Supplemental Army Estimate *Mar* 10
Considered in Committee *Mar* 11—R. P.*
Considered in Committee; Navy Estimates; Resolution (Vote 8) re-committed *Mar* 14

NAVY ESTIMATES.

Supply considered in Committee *Feb* 25
Statement of Lord Clarence Paget, Secretary of the Admiralty on moving the First Vote 1103
Motion made, and Question proposed, "That 71,950 Men and Boys be employed for the Sea and Coast Guard Services, for the year ending on the 31st day of March, 1865, including 18,000 Royal Marines" (*Lord Clarence Paget*)
After long Debate, Motion that the Chairman report Progress (*Mr. Lindsay*)
Question put, A. 31, N. 28; M. 3; Committee report Progress

Supply considered in Committee *Feb* 29, 1280
(1.) Original Question again proposed, "That 71, 950 Men and Boys, &c."
Question put and agreed to, 1280
(2.) £2,874,647, Wages; after Debate, Vote agreed to 1280
(3.) £1,304,119, Victuals and Clothing; Vote agreed to
(4.) Motion £168,605, Salaries of the Officers and the Contingent Expenses of the Admiralty Office, &c., 1865," 1302
Motion "That a sum, not exceeding £163,405, be granted, &c." (*Mr. Lindsay*)
After Debate, Question put, A. 10, N. 109; M. 99
Original Question put, and agreed to
(5.) £300,718, Coast Guard Service, &c.; after short Debate, Vote agreed to, 1307
(6.) Motion, "£71,276, Salaries of the Officers and the Contingent Expenses of the several Scientific Departments of the Navy 1865," 1307
Motion, "That the Item of £2,300, for School of Naval Architecture, and maintenance of Students in the same, be omitted from the proposed Vote" (*Mr. Augustus Smith*)
After Debate, Question put, A. 15, N. 100; M. 85
Original Question put, and agreed to
(7.) £192,574, Naval Establishments at Home; after short Debate, Vote agreed to, 1314
(8.) £37,666, Naval Establishments Abroad; Vote agreed to *Feb* 29
Resolutions reported *Mar* 1
Vote 8; Explanation, Lord Clarence Paget *Mar* 14, 1911

[*cont.*

Supply—Navy Estimates—cont.
Supply considered in Committee, *Mar* 10
(1.) £1,275,316, Wages, to Artificers and others at Home, 1785
Vote agreed to
Debate arising on unexpected putting of the Question
Motion, "That the Chairman do report Progress" (*Sir James Elphinstone*)
After Debate, Motion withdrawn
Resolution reported *Mar* 11
First Resolution re-committed :—Explanation, Lord Clarence Paget *Mar* 14, 1911

Supply considered in Committee *Mar* 14
Re-committed Resolution (reported March 11), read
(1.) £1,275,316, Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home *Mar* 14, 1942
Motion, "That a sum, not exceeding £1,030,337, &c." (*Mr. Lindsay*), 1958
After long Debate, Motion withdrawn
Original Question again proposed
Motion, "That a sum, not exceeding £1,112,878, &c." (*Mr. Lindsay*), 1978
Question put, A. 29, N. 110; M. 81
Original Question put, and agreed to
(2.) £69,205, Wages to Artificers, &c., Naval Establishments Abroad, agreed to
Resolutions reported *Mar* 15

The SCHELDT TOLL —Supplemental Estimate
(2.) £175,650, Moiety of Charge for the Redemption of the Scheldt Toll *Mar* 10, 1789
After Debate, Vote agreed to
Resolution reported *Mar* 11

ARMY ESTIMATES.

Supply considered in Committee *Mar* 3
Statement of The Marquess of Hartington, Under Secretary of State for War, on moving the First Resolution of the Army Estimates, 1416; "146,766 Land Forces"
After long Debate, Resolution agreed to *Mar* 3
Resolution reported *Mar* 4

Supplemental Army Estimates.

£409,000, Supplemental Estimate for Army Services beyond ordinary Grants for 1863-4 *Mar* 10, 1795
After Debate, Vote agreed to
Resolution reported *Mar* 11

Sydney, Viscount, (Lord Chamberlain)
Address in Answer to the Speech—Her Majesty's Reply, 301

Sykes, Col. W. H., *Aberdeen City*
Army Estimates—Land Forces, 1436, 1440, 1444
China—Captain Osborn's Expedition, 860; —Anglo-Chinese Fleet, 1182, 1183
Denmark and Germany—Integrity of the Danish Monarchy, 886
Education, Res. 1682
India—Gold Currency, 1364, 1365
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Sykes, Col. W. H.—cont.
Naval Forces, Res. 1099
Navy Estimates—Wages, 1282, 1285, 1287, 1288, 1297;—Admiralty Office, 1307;—Wages of Artificers at Home, 1970
Private Bills, Res. 7, 680
United States—Capture of British Ships, Papers moved for, 518;—Soochow, 1463
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Talbot, Hon. Capt. W. C., *Waterford City*
Malta—Dock at, 497; Res. 889, 895, 896
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Taxation and Expenditure
Observations, Sir Henry Willoughby; Reply, The Chancellor of the Exchequer *Feb* 11, 473

Taylor, Mr. P. A., *Leicester*
United States—Confederate Cruisers, Papers moved for, 1488

Telegraphic Despatches
Question, Mr. Darby Griffith; Answer, Mr. Layard *Feb* 29, 1254;—Question, Mr. Darby Griffith; Answer, Mr. Layard *Mar* 1, 1337; —Question, Mr. Darby Griffith; Answer, Mr. Layard *Mar* 8, 1652

Tests Abolition (Oxford) Bill
(*Mr. Dodson, Mr. Grant Duff, Mr. Goschen*)
c. Tests Abolition (Oxford) considered* in Committee, *Feb* 12
Resolution; Bill ordered
Read 1°* *Feb* 12 [Bill 18]

Theatres (*Precautions against Fire*)
Question, Mr. W. Ewart; Answer, Sir George Grey *Feb* 12, 494; Question, Sir William Fraser; Answer, Sir George Grey *Feb* 12, 534

Thomas, Case of Mr.
Question, Sir John Pakington, 1770; Answer, Lord Clarence Paget *Mar* 10, 1774

Tite, Mr. W., *Bath*
London, Brighton, and South Coast Railway, 2R. Amendt. 1633
Railway Schemes (Metropolis), Res. 1646

Took the Oath
Feb 4. The Bishop of Gloucester and Bristol
The Archbishop of Armagh
Henry White, esq., having been created Baron Annaly
Richard Monckton Milnes, esq., having been created Baron Houghton
Feb 5. The Lord Inchiquin
Mar 14. The Lord Dunsany

Torrens, Mr. R., *Carrickfergus*
Civil Service and Miscellaneous Estimates, Res. 1356

Townley, The Convict
Motion (The Earl of Carnarvon) postponed *Feb* 5, 169; Question, Lord Henry Lennox; Answer, Sir George Grey *Feb* 8, 218; Question, Sir FitzRoy Kelly; Answer, Sir George Grey *Feb* 9, 328; Question, Mr. Morritt; Answer, Sir George Grey *Feb* 26, 1185.—See *Penal Servitude Acts Amendment Bill; Insane Prisoners Act Amendment Bill*

TRACEY, Hon. C. R. D. Hanbury, *Montgomery*
Navy—Gunnery Instructors, 1756

Training Colleges
Question, Mr. Gathorne Hardy; Answer, Mr. Lowe *Feb* 26, 1184

Trespass (Ireland) Bill
(*Mr. William Orsmby Gore, Captain Archdall*)
c. Ordered* *Feb* 9
Read 1°* *Feb* 12 [Bill 13]
Bill read 2°, after short Debate, *Mar* 9, 1705

TRURO, Lord
Hill, Sir Rowland, Resignation of, 1626

TURNER, Mr. C., *Lancashire, S.*
Government Annuities, Comm. 1526

Turnpike Roads Bill
(*The Earl of Romney*)
Read 1ª* *Mar* 7 [No. 24]
Read 2ª* *Mar* 11

Turnpike Trusts
Select Committee appointed *Mar* 8
"To inquire into the expediency and practicability of abolishing Turnpike Trusts," 1699
Select Committee nominated, *Apr* 5:—Mr. Bruce, Colonel Hussey Packe, Mr. Alcock, Mr. Fenwick, Mr. Mildmay, Mr. Wrightson, Lord Henley, Mr. Dodson, Mr. Clive, Colonel Pennant, Colonel Barttelot, Colonel Smyth, Mr. Sclater-Booth, Colonel Stuart (Bedford), Sir James Fergusson, Sir William Jolliffe, Colonel Gilpin, Mr. Walter, Colonel French, Mr. William Legh, and Mr. Western
Instruction—That they do limit their inquiry to the Turnpike Trusts of England and Wales

United States
LORDS—
Correspondence with the Federal Government—Question, The Earl of Derby; Answer, Earl Russell *Feb* 9, 310; Question, The Earl of Derby; Answer, Earl Russell *Feb* 11, 427; Question—Explanation, Earl Russell; short Debate thereon, *Feb* 15, 544; Observations, The Earl of Derby; Debate thereon *Feb* 25, 1053; Explanation, Earl Granville *Feb* 26, 1160
British and American Claims, Address for "Return of Claims" [and other Papers] (*The Earl of Carnarvon*) *Feb* 16, 618
After long Debate, Motion agreed to (*Parl. Paper*, No. 1724 XI.)
Federal Recruiting in Ireland, Address for "Copies of Reports" (*The Marquess of Clanricarde*) *Mar* 1, 1317
After Debate, Motion withdrawn

United States—cont.
COMMONS—
Mr. Seward's Despatch of July 11, Question, Lord Robert Cecil; Answer, Mr. Layard *Feb* 12, 498
Capture of British Ships, Amendt. on Committee of Supply *Feb* 12
To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence with the Governor of the Bahama Islands, with reference to the sinking of the *Margaret and Jessie* in British waters" [and other Papers], (*Mr. Seymour Fitzgerald*), 501
After long Debate, Amendt. withdrawn
English Ships and American Cruisers, Question, Mr. H. Baillie; Answer, The Attorney General *Feb* 18, 713
Capture of a Confederate Vessel in a British Harbour, Question, Mr. Haliburton, 823; Answer, Mr. Layard *Feb* 19, 829
Capture of the "Saxon"—Murder of Mr. Gray, Question, Lord Robert Montagu; Answer, The Attorney General *Mar* 3, 1365; Question, Mr. Seymour Fitzgerald; Answer, Mr. Layard *Feb* 15, 567; Question, Mr. Seymour Fitzgerald, Answer, Mr. Layard *Feb* 19, 796
Seizure of the Barque "Science," Question, Mr. Hassard; Answer, Mr. Layard, *Mar* 1, 1334
The "Alabama," Capture of the "Martaban," Question, Mr. G. S. Lefevre; Answer, Mr. Layard *Feb* 19, 793
The Confederate Cruisers, Amendt. proposed on Committee of Supply *Mar* 4
To leave out from "That" and add "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of any Correspondence between Her Majesty's Government and the Agents of the Confederate States of America, relative to the building and equipment of ships of war in this country" (*Mr. G. Shaw Lefevre*) *Mar* 4, 1475
After long Debate, Amendt. withdrawn
Confederate Cruisers, Question, Mr. R. Long; Answer, The Attorney General, *Mar* 7, 1544
Neutrality in America—Federal Recruiting in Ireland, Question, Mr. Roebuck; Answer, Viscount Palmerston; Observations thereon *Mar* 14, 1916
Seizure of the "Tuscaloosa," Questions, Mr. Peacocke, Lord Robert Cecil; Answer, Viscount Palmerston *Feb* 25, 1068; Question, Mr. Peacocke; Answer, Viscount Palmerston *Feb* 26, 1185; Observations, Mr. Peacocke; Reply, The Attorney General *Mar* 4, 1462
The "Alexandra" and "Alabama"—Correspondence, Question, Mr. Peacocke; Answer, Mr. Layard *Feb* 9, 323
Vessels "El Tousson" and "El Monassia," Address for Copies of Correspondence (*Mr. Seymour FitzGerald*) *Feb* 23, 955; after long Debate, Question put; A. 153, N. 78; M. 25

United States—cont.
Federal Cruiser fitting in British Port, Question, Mr. Gregory; Answer, Mr. Layard *Feb* 15, 566
The "Pampero," Question, Mr. Dalglish; Answer, Mr. Layard *Mar* 7, 1544
Exportation of Tobacco from the Southern States, Question, Sir Robert Clifton; Answer, Mr. Layard *Feb* 23, 931
Island of San Juan, Observations, Mr. Haliburton *Feb* 26, 1217; Observations, Mr. Haliburton; Answer, Mr. Layard *Mar* 4, 1495

Vaccination
Question, Mr. Baines; Answer, Mr. Lowe *Mar* 4, 1457
Vaccination Registration; Question, Sir Morton Peto; Answer, Mr. Lowe *Mar* 14, 1908
Vaccination of Sheep, Question, Sir Jervoise Jervoise; Answer, Mr. Lowe *Feb* 23, 931

VANCE, Mr. J., *Dublin City*
Conveyancers, &c. (Ireland), Comm. *cl.* 2, 1228
Ireland—State of, Res. 1845
Ordnance Survey—Civil Assistants, 1250
Railway Encroachments (Dublin), 562
Vestry Cess Abolition (Ireland), 2R. 721

VANDELEUR, Col. C. M., *Clare Co.*
Watching of Towns (Ireland), 2R. 1719

VANE, Lord H. G., *Hastings*
Private Bills, Res. 1, 656

VANSITTART, Mr. W., *Windsor*
India—Gold Currency, 1364, 1906

VERNEY, Sir H., *Buckingham*
Address in Answer to the Speech, 123
Army—Instruction of Soldiers in Trades, Res. 1414
Denmark and Germany — Integrity of the Danish Monarchy, 466, 467, 885
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ERRATUM.

Fol. 241, line 1, for Major STUART *read* Colonel W. STUART.

END OF VOLUME CLXXIII., AND FIRST VOLUME OF SESSION, 1864.

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